

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, April 1, 2020 1:11 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Thank you, George:
My office looks forward to seeing the bibliography soon.

Best regards,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Wednesday, April 01, 2020 11:18 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg,

Below is the list of Bayer personnel who participated on the Monday call.

We are compiling the list of studies/reports (Bibliography) that were discussed during the call. The target is to have it completed by end of the week.

Please, let me know if you have questions.

Name	Email	Phone Number
Dan Dyer	dan.dyer@bayer.com	Ex. 6 Personal Privacy (PP)
George Sabbagh	george.sabbagh@bayer.com	
Lance Schuler	lance.schuler@bayer.com	
Naresh Pai	naresh.pai@bayer.com	
Ryan Rector	ryan.rector@bayer.com	
Steven Callen	steven.callen@bayer.com	
Thomas Orr	thomas.orr@bayer.com	
Tilghman Hall	tilghman.hall@bayer.com	
Timothy Fredricks	timothy.fredricks@bayer.com	
Tina Bhakta	tina.bhakta@bayer.com	

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
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Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, March 30, 2020 9:21 AM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Seeking your Input.

Thank you, George:

I was able to successfully open the attached slide deck and have forwarded both the slides and Skype invitation to the relevant EPA participants for our 10am call today.

Talk to you soon,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Sunday, March 29, 2020 1:46 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg,

Attached is a copy of the slides that will be covered on our call. Additional notes on the content of the slides are provided.

I sent an invite on Friday for our call. The invite includes the link to the Skype call (video and audio). You can forward the invite to your colleagues who will be attending. The link is also provided below. I will get on the call 10 minutes early (9:50 a.m.). If you can join few minutes early, we can test the connection.

Join Skype Meeting

Trouble Joining? [Try Skype Web App](#)

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
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Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Friday, March 27, 2020 4:12 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hello George:

I've gotten direction that for our Monday meeting, my office would actually prefer if Bayer could set up the Skype meeting and provide connection information to EPA staff. Would that be possible? If so, you can email me the meeting details and I will forward them to the appropriate people in my office.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Tuesday, March 24, 2020 7:37 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Thank you Meg. I will supply the slide deck when completed.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



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Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, March 23, 2020 5:05 PM
To: George Sabbagh <george.sabbagh@bayer.com>

Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>; Kenny, Daniel <Kenny.Dan@epa.gov>

Subject: RE: Seeking your Input.

Great! Thank you, George, for the confirmation.

On Monday at 10am, please use the following link to join the skype conference call.

[Join Skype Meeting](#)

Trouble Joining? [Try Skype Web App](#)

Please keep me posted as your team develops any presentation materials that should be shared with the group.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>

Sent: Monday, March 23, 2020 3:42 PM

To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>

Subject: RE: Seeking your Input.

Hi Meg, Monday March 30th 10:00 – 11:00 a.m. works well. Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



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Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh

Sent: Monday, March 23, 2020 1:01 PM

To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input

Dan, Resending the request.

Please, let me know if you need more information.

Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



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E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Tuesday, March 17, 2020 8:32 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: Seeking your Input

Hi Dan,

Following up on our call last week.

Bayer is looking to set up a meeting with the Agency (latter part of next week or the week after) to share data from testing the adjuvant VaporGrip X with the Product XtendiMax.

Results from field trials conducted by Bayer and Academics with the VaporGrip X have shown positive response to reducing off-target movement of XtendiMax. During the meeting, Bayer will go over these trials, share the results and discuss further plans.

Meeting information:

Proposed dates: March 26-27, or Week of March 30.

Proposed Agenda: Review of results from Testing VaporGrip X with Xtendimax

Attendees:

- Bayer Regulatory affairs and Environmental Safety
- EPA RD and EFED

Looking forward to hearing from you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



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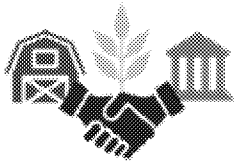
Message

From: George Sabbagh [george.sabbagh@bayer.com]
Sent: 10/24/2020 1:32:56 AM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
CC: BCSReg_Archive [esepamailbox@bayer.com]
Subject: RE: Any ETA on outstanding documents for our review?

Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Head Regulatory Engagements



Regulatory Engagement
Collaborating Across Organizations

////////////////////

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E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Friday, October 23, 2020 8:46 PM
To: Thomas Marvin <thomas.marvin@bayer.com>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: George Sabbagh <george.sabbagh@bayer.com>; Schmid, Emily <Schmid.Emily@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Any ETA on outstanding documents for our review?

Hello Tom and George, please see the attached file. This file contains the draft registration terms for XtendiMax. Please review the terms and send us your concurrence as soon as you are able to. Please note that we may need to enter more specific information to indicate the passing results for some of the protocols that appear in the appendices. If there's anything you'd like to discuss, please let us know.

Thanks,
Dan

Daniel Kenny, Chief
Herbicide Branch
Registration Division
Office of Pesticide Programs
U.S. Environmental Protection Agency

From: Thomas Marvin <thomas.marvin@bayer.com>
Sent: Friday, October 23, 2020 7:18 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: Any ETA on outstanding documents for our review?

Thanks Dan.

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Friday, October 23, 2020 7:16 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Thomas Marvin <thomas.marvin@bayer.com>
Subject: RE: Any ETA on outstanding documents for our review?

Yes, still working on the registration terms and they will go out tonight. I'm having an issue with the label files, so it is possible that I may need to get help with those that could carry label comments into tomorrow morning.

From: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Sent: Friday, October 23, 2020 6:45 PM
To: Thomas Marvin <thomas.marvin@bayer.com>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Any ETA on outstanding documents for our review?

Dan is working on terms and labels. Dan, do you have an update?

From: Thomas Marvin <thomas.marvin@bayer.com>
Sent: Friday, October 23, 2020 6:44 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: Any ETA on outstanding documents for our review?

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Message

From: Knorr, Michele [knorr.michele@epa.gov]
Sent: 3/27/2020 3:15:15 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: On phone with Rick

I asked Scott to look at the language to see if it was confusing having all the registrants in the first sentence. Please check in with him. Thanks and sorry I am so rushed on another issue today.

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Friday, March 27, 2020 10:47 AM
To: Knorr, Michele <knorr.michele@epa.gov>
Subject: RE: On phone with Rick

It's the highlighted parts in the passage below:

Any of the information listed below, in the possession of BASF, Bayer (and previously Monsanto), Corteva, Syngenta or any of its consultants, attorneys, or agents, must be reported to EPA under section 6(a)(2):

- 1) Information not already provided to EPA by your company regarding incidents or allegations of non-target plant damage resulting from the use of, or contact with dicamba, including non-lethal effects, which occurred in any country at any time before or after the 2018 registration of the dicamba products (Engenia, EPA Registration No. 7969-345; Fexapan, EPA Registration No. 352-913; Tavium, EPA Registration No. 100-1623; and Xtendimax, EPA Registration No. 524-617). This includes, but is not limited to, complaints, memos, investigations reports, or other documents arising from allegations of such incidents. EPA is particularly interested in information on the location of incidents, the distance between the damage location and any dicamba product applications to label-authorized or unauthorized sites, and any quantitative measurements of damage including visual injury, plant height, and plant yield.
- 2) Any information, including, but not limited to deposition transcripts, responses to interrogatories, expert reports, other discovery documents (including internal company correspondence), and trial exhibits or transcripts, that was generated as a result of or in anticipation of lawsuits filed in any country, indicating that use of or contact with dicamba, directly, or indirectly resulted or may have resulted in adverse effects to non-target plants.

3) All studies and associated data (raw and summary) not already provided to EPA by your company, completed or in progress, conducted or sponsored by or for your company^[1] regarding the aforementioned products pertaining to:

- a) Off-target movement of dicamba, either target or nontarget, through direct application, volatilization, off-site spray drift, potential for long-range transport, runoff, or leaching to groundwater. Include any study summary or test that was discontinued because of unexpected dicamba damage to controls or test plots, that pertains to off-site transport, damage off of the treated area, or contamination of workspaces (indoor or outdoor) following the treatment for a test.
- b) Dicamba's toxicity to plants (*e.g.*, antagonism, development of resistance), either target or nontarget, through direct application, volatilization, off-site spray drift, potential for long-range transport, runoff, or leaching to groundwater that were commenced by BASF, Bayer (and previously Monsanto), Corteva, or Syngenta, or by others for BASF, Bayer (and previously Monsanto), Corteva, or Syngenta where no written reports or summaries were submitted to BASF, Bayer (and previously Monsanto), Corteva, or Syngenta. Include both indoor (greenhouse studies) and outdoor (field or plot studies), as well as reports from efficacy studies or incidents.

If BASF, Bayer (and previously Monsanto), Corteva, Syngenta, any subsidiary of these companies, or any consultant, attorney, or agent who acquired such information while acting as a consultant, attorney, or agent for BASF, Bayer (and previously Monsanto), Corteva, or Syngenta, has any information relating to dicamba that falls into the categories identified above, such information must be submitted pursuant to FIFRA section 6(a)(2) as well as the terms and conditions of registration. Please note that EPA is not asking attorneys to provide any opinions or conclusions rendered as the professional legal judgment of an attorney, as defined in the Model Code, as part of this letter. However, any factual information in the possession of attorneys that attorneys acquired while working for BASF, Bayer (and previously Monsanto), Corteva, or Syngenta that falls into the categories identified in this letter, including any applicable expert opinions of non-attorneys, must be submitted pursuant to this letter. Any information that has previously been submitted to EPA's Office of Pesticide Programs is excluded and need not be provided to the Agency again in response to this letter.

From: Knorr, Michele <knorr.michele@epa.gov>

Sent: Friday, March 27, 2020 10:34 AM

To: Kenny, Daniel <Kenny.Dan@epa.gov>

Subject: RE: On phone with Rick

Can you copy and paste the language and I will get right back to you? :)

^[1] This includes all studies and associated data conducted by BASF, Bayer (and previously Monsanto), Corteva, or Syngenta as well by others for BASF, Bayer (and previously Monsanto), Corteva, or Syngenta, including but not limited to university and weed scientists, regardless of the stage of the study (*e.g.*, study began, but not completed)].

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Friday, March 27, 2020 9:57 AM
To: Knorr, Michele <knorr.michele@epa.gov>
Subject: RE: On phone with Rick

Quick question on 6a2 letter. We did decide to leave the reference to all four companies and all four products in the body of the letter, even though individual letters are going out to each company, right? I just wanted to make sure I remembered that correctly as I was preparing the finals for signature.

Sorry to keep bugging you. I have to say, you're a pretty good multi-tasker!

Dan

From: Knorr, Michele <knorr.michele@epa.gov>
Sent: Friday, March 27, 2020 9:55 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: On phone with Rick

Is this about docketing? You don't have to docket.

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

Message

From: Matuszko, Jan [Matuszko.Jan@epa.gov]
Sent: 3/23/2020 9:36:45 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: Re: 6(a)(2) Letter - Quick Question

Sent from my iPhone

On Mar 23, 2020, at 5:35 PM, Kenny, Daniel <Kenny.Dan@epa.gov> wrote:

Hi Mark and Jan. We're hoping to send this forward fairly quickly, so I was hoping to reach out directly to you on this question with the paragraph that EFED was offering. Can you help with what's meant by the blue highlighted section? Something seems to be missing there but I'm not sure I can figure out what.

Thanks for your help!
-Dan K

Any of the information listed below, in the possession of [Monsanto/BASF/Syngenta/Corteva] or any of its consultants, attorneys, or agents, must be reported to EPA under section 6(a)(2):

- 1) Information not already provided to EPA by your company regarding incidents or allegations of non-target plant damage resulting from the use of, or contact with dicamba, including non-lethal effects, which occurred in any country at any time before or after the 2018 registration of the dicamba products (Xtendimax, Engenia, Tavium, and Fexapan), and internal company documents about [Monsanto's/BASF's] by EPA. This includes, but is not limited to, complaints, memos, investigations reports, or other documents arising from allegations of such incidents. EPA is particularly interested in information on the location of incidents, the distance between the damage location and any dicamba product applications to label-authorized or unauthorized sites, and any quantitative measurements of damage including visual injury, plant height, and plant yield.

Daniel Kenny, Chief
Herbicide Branch
Registration Division
Office of Pesticide Programs
U.S. Environmental Protection Agency

Message

From: Schmid, Emily [Schmid.Emily@epa.gov]
Sent: 10/23/2020 6:10:06 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: Comments on Registration Notices
Attachments: 007969-00UTE.20201020.NVA 2020-04-385-0133 LC ME DR ES.pdf

I'm trying to get through these labels first. I just finished Engenia which is I think the only one Dan R. has finished with so far. I have attached it in case you want to take a look.

I look at the comments on the reg notice now.

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Friday, October 23, 2020 2:08 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Comments on Registration Notices

Yes, sorry. It's really hard to work like this and do a careful job. It just begs for mistakes. Did the comments make sense to you?

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Friday, October 23, 2020 1:56 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Comments on Registration Notices

That's good! I have been feeling sick like they were a total mess. I have had to change out sections so many times and I rushed at the end to get them out I was sure I was going to make a huge mistake...

It's so hard feeling rushed.

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Friday, October 23, 2020 1:54 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: FW: Comments on Registration Notices

Not that there's that many comments...

From: Kenny, Daniel
Sent: Friday, October 23, 2020 1:53 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Comments on Registration Notices

Just on the Xtendimax, but figured the bulk of the comments apply to all 3.

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Friday, October 23, 2020 1:41 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Comments on Registration Notices

Thanks Dan! Comments on all three?

From: Kenny, Daniel <Kenny.Dan@epa.gov>

Sent: Friday, October 23, 2020 1:40 PM

To: Schmid, Emily <Schmid.Emily@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Subject: RE: Comments on Registration Notices

Hi Emily. My comments are in there, for your consideration. There's a couple things in there that might need a decision that we should all talk about first.

From: Schmid, Emily <Schmid.Emily@epa.gov>

Sent: Friday, October 23, 2020 12:22 PM

To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>

Subject: Comments on Registration Notices

Hi Dicamba Team,

I have shared the three registration notices for everyone to review. Please provide comments to me by 3:00.

Thank you,
Emily

Emily Schmid
Product Manager 25
Herbicide Branch
Registration Division, Office of Pesticide Programs
U.S. Environmental Protection Agency

Message

From: Schmid, Emily [Schmid.Emily@epa.gov]
Sent: 10/23/2020 5:54:14 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: Comments on Registration Notices

Yes, definitely. I'm concerned that there are differences to Tavium but I guess that is mostly to the buffer availability term.

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Friday, October 23, 2020 1:53 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Comments on Registration Notices

Just on the Xtendimax, but figured the bulk of the comments apply to all 3.

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Friday, October 23, 2020 1:41 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Comments on Registration Notices

Thanks Dan! Comments on all three?

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Friday, October 23, 2020 1:40 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Comments on Registration Notices

Hi Emily. My comments are in there, for your consideration. There's a couple things in there that might need a decision that we should all talk about first.

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Friday, October 23, 2020 12:22 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>
Subject: Comments on Registration Notices

Hi Dicamba Team,

I have shared the three registration notices for everyone to review. Please provide comments to me by 3:00.

Thank you,
Emily

Emily Schmid
Product Manager 25

Herbicide Branch
Registration Division, Office of Pesticide Programs
U.S. Environmental Protection Agency

Message

From: Crawford, Lydia [Crawford.Lydia@epa.gov]
Sent: 10/23/2020 5:03:18 PM
To: Schmid, Emily [Schmid.Emily@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: label
Attachments: 007969-00UTE.20201020.NVA 2020-04-385-0133 LC ME DR.pdf; MASTER LABEL_XtendiMax_264-RERN_20201020 LC ME.pdf

Xtendimax and Engenia. Will you send to Dan too when you're done since your comments will incorporate everyone elses (except Dan R adding comments on xtendimax and taviium right now)?
Thank you!! I'm off for a few hours

From: Crawford, Lydia
Sent: Friday, October 23, 2020 12:51 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: label

Here's taviium, adding Dan R's comments to engenia then sending the other 2

Lydia Crawford PhD
Biologist | Herbicide Branch | Registration Division
U.S. Environmental Protection Agency | Office of Pesticide Programs
(703) 347-0622 | Crawford.Lydia@epa.gov

Message

From: Thomas Orr [thomas.orr@bayer.com]
Sent: 3/3/2020 9:10:44 PM
To: Meadows, Sarah [Meadows.Sarah@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]; George Sabbagh [george.sabbagh@bayer.com]
Subject: Study Summary Courtesy Copy
Attachments: White_Paper.pdf

Dear Emily and Sarah,

Please see attached summary of studies conducted/supported by Monsanto from 2017 to 2019 that are relevant to the upcoming XtendiMax (M1768 Herbicide) re-registration decision. This 'white paper' was submitted through the electronic portal yesterday and, in addition to study summaries, also includes soybean yield results and off-target movement inquiry information.

This submission fulfills the enhanced reporting requirements as outlined in Decision No. 544831, Term #14 issued November 1, 2018.

Please let me know if you have any questions regarding this information presented in this white paper – we would be happy to discuss at EPA's convenience.

Best regards,

Tom Orr

**Broad Acre & Trait Use Lead
Crop Protection Regulatory Affairs**

//////////

Bayer Crop Science
Monsanto Company
Regulatory Science
Building FF
Chesterfield, 63017, USA
Tel: +1 636-737-9347
Cell: +1 314-648-9653
E-mail: thomas.orr@bayer.com
Web: <http://www.bayer.com>

/// Follow Bayer on:

/// [Twitter](#) /// [Facebook](#) /// [Instagram](#) /// [LinkedIn](#) /// [YouTube](#)

Message

From: Schmid, Emily [Schmid.Emily@epa.gov]
Sent: 10/22/2020 3:56:38 PM
To: Crawford, Lydia [Crawford.Lydia@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: Xtendimax label comment help

Lydia,

I agree with you. They need to take that off.

Dan, do you agree?

Thanks,
Emily

From: Crawford, Lydia <Crawford.Lydia@epa.gov>
Sent: Thursday, October 22, 2020 9:01 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: Xtendimax label comment help

Hey Dan and Emily,

Ex. 5 Deliberative Process (DP)

SPECIFIC USE DIRECTIONS

BETWEEN CROP APPLICATIONS	
<input type="checkbox"/> Postharvest, fallow, crop stubble, set-aside for broadleaf weed control only	
Application Rates	<ul style="list-style-type: none">• Apply 22 fluid ounces of XtendiMax® With VaporGrip® Technology per acre.
Maximum Rates	<ul style="list-style-type: none">• Per treated acre per year: 88 fluid ounces (2.0 lb. a.e. dicamba per acre).
Application Timing	<ul style="list-style-type: none">• XtendiMax® With VaporGrip® Technology can be applied either postharvest in the fall, spring, or summer during the fallow period or to crop stubble/set-aside acres.• For best performance, apply XtendiMax® With VaporGrip® Technology when annual weeds are less than 4 inches tall, when biennial weeds are in the rosette stage, and to perennial weed regrowth in late summer or fall following a mowing or tillage treatment.• The most effective control of upright perennial broadleaf weeds such as Canada thistle and Jerusalem artichoke occurs if XtendiMax® With VaporGrip® Technology is applied when the majority of weeds have at least 4 – 6 inches of regrowth or for weeds such as field bindweed and hedge bindweed that are in or beyond the full bloom stage.
Application Method	<ul style="list-style-type: none">• Apply XtendiMax® With VaporGrip® Technology as a broadcast or spot treatment to emerged and actively growing weeds after crop harvest (postharvest) and before a killing frost or in the fallow cropland or crop stubble the following spring or summer.
Livestock Grazing or Feeding	<ul style="list-style-type: none">• Permitted.
Use Precautions	<ul style="list-style-type: none">• Avoid disturbing treated areas following application.• Treatments may not kill weeds that develop from seed or underground plant parts, such as rhizomes or bulblets, after the effective period for XtendiMax® With VaporGrip® Technology. For seedling control, a follow-up program or other cultural practices could be instituted.• Refer to the "Rotational Crops" section of this label for the recommended interval between application and planting to prevent crop injury.

Between Crop Applications: "These uses are covered by the preplant instructions for DT cotton and soybean. Having them as separate instructions as well is misleading." Suggested edit was to delete this section. (p. 11)	These uses are not covered by the preplant instructions for DT cotton and soybean. This "Between Crop Applications" use: (1) Offers growers post-harvest weed control opportunity to have a low-volatility dicamba with greatly improved application requirements to mitigate OTM and protection of endangered species/areas (vs the myriad other dicambas with this label provision) (2) Fall or post-harvest applications tank-mixed with other herbicides can be a very effective tool to manage escaped or newly emerged weeds after harvest equipment, fall tillage, or other production practice has occurred before hard freeze to manage spring weed populations. (3) Allowing additional post-harvest uses also allows retailers and growers to use left-over stock of this low-volatility product in this manner vs other dicambas.
--	--

Thanks!

Lydia Crawford PhD

Biologist | Herbicide Branch | Registration Division

U.S. Environmental Protection Agency | Office of Pesticide Programs

(703) 347-0622 | Crawford.Lydia@epa.gov

Message

From: Schmid, Emily [Schmid.Emily@epa.gov]
Sent: 10/19/2020 7:39:33 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: Appendix C

Sure, I'll do that. Thanks Dan!

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Monday, October 19, 2020 3:37 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Appendix C

I think it would be Chuck Peck, although it was Faruque Khan in the past. Chuck is working on it now. If we don't think that it was that helpful, deleting it sounds like a good idea. We could always float the question to Chuck, if he thinks it's an important illustration to ensure the right results, they should be able to help us fix it. Do you want to run a quick check with Chuck?

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Monday, October 19, 2020 1:01 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Appendix C
Importance: High

Hi Dan,

I'm trying to write these reg notices and came across a little error and I'm not sure how I should resolve it.

Appendix C for Xtendimax (page 11 here: https://www3.epa.gov/pesticides/chem_search/ppls/000524-00617-20181101.pdf) includes a sample calculation at the bottom.

Appendix C for Engenia (page 10 here: https://www3.epa.gov/pesticides/chem_search/ppls/007969-00345-20181102.pdf) doesn't have a sample calculation but says, "See sample calculation, below".

Should I just delete the note for Engenia? This is the way I'm leaning since it hasn't been there for years now and no one has ever asked about it, as far as I know.

If we want to include a sample calculation, I think I need EFED's help with that. Do you know who would have written the appendix in the past?

Thanks,
Emily

Emily Schmid
Product Manager 25
Herbicide Branch
Registration Division, Office of Pesticide Programs
U.S. Environmental Protection Agency

Message

From: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Sent: 10/2/2020 1:57:39 PM
To: Meadows, Sarah [Meadows.Sarah@epa.gov]; Crawford, Lydia [Crawford.Lydia@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: Rep. Guest and 30+ members Dicamba Registration Letter

Yes, thanks Lydia!

Dan, we did see a recent dip in letters submitted, but they do continue to come in. I'd also predict that since Wheeler publicly announced this week that EPA is targeting an October decision, there may be an uptick again in submissions.

- Meg

From: Meadows, Sarah <Meadows.Sarah@epa.gov>
Sent: Friday, October 02, 2020 9:47 AM
To: Crawford, Lydia <Crawford.Lydia@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Rep. Guest and 30+ members Dicamba Registration Letter

Thanks, Lydia! I was just opening teams to check to see if anyone added it yet.

From: Crawford, Lydia <Crawford.Lydia@epa.gov>
Sent: Friday, October 02, 2020 9:46 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Rep. Guest and 30+ members Dicamba Registration Letter

Added to the list

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Thursday, October 1, 2020 1:29 PM
To: Crawford, Lydia <Crawford.Lydia@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: FW: Rep. Guest and 30+ members Dicamba Registration Letter

FYI – I was wondering if there correspondences were starting to dry up, but I guess not quite yet.

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Thursday, October 01, 2020 1:25 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>
Subject: FW: Rep. Guest and 30+ members Dicamba Registration Letter

FYI

Michael L. Goodis, P.E.
Acting Deputy Director for Programs
Office of Pesticide Programs

Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
703-308-8157

From: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>

Sent: Thursday, October 01, 2020 11:37 AM

To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Grable, Melissa <Grable.Melissa@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>

Subject: Rep. Guest and 30+ members Dicamba Registration Letter

Heads up on a new Dicamba letter. We'll enter it into CMS and control to OCSPP. Similar to the 9/17 House Ag letter. Thanks,
Sven

Sven-Erik Kaiser
Office of Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
202-566-2753
kaiser.sven-erik@epa.gov

From: White, Bubba <Joseph.WhiteIII@mail.house.gov>

Sent: Wednesday, September 30, 2020 3:49 PM

To: Washam, Todd <Washam.Todd@epa.gov>

Cc: Kolb, John (JohnMark) <kolb.john@epa.gov>; Solomon, Maya <Maya.Solomon@mail.house.gov>

Subject: Dicamba Registration Letter

Todd,

Please see the attached bipartisan letter to Administrator Wheeler from 32 members of Congress encouraging the issuance of new registrations for four dicamba products: Engenia®, Xtendimax®, FeXapan®, and Tavium®. We also support issuance of these registrations quickly and in simple, clear, and understandable language so that producers can make herbicide and seed purchasing decisions ahead of the 2021 crop year.

Please let us know if you have any questions. A hard copy has been put in the mail.

Best,
Bubba



Bubba White

Legislative Assistant

Rep. Michael Guest (MS-03)

202.226.8289 – Office

202.981-3106 – Cell

230 Cannon HOB
Washington, DC 20515



Message

From: Overbey, Dian [Overbey.Dian@epa.gov]
Sent: 9/11/2020 7:57:57 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: Draft Dicamba Desk Statement

Gracias!

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Friday, September 11, 2020 3:51 PM
To: Overbey, Dian <Overbey.Dian@epa.gov>
Subject: RE: Draft Dicamba Desk Statement

Looks good! I added one more very minor tweak below, but I think it's ready to go to the next review level.

Thanks,
Dan

From: Overbey, Dian <Overbey.Dian@epa.gov>
Sent: Friday, September 11, 2020 3:45 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Draft Dicamba Desk Statement
Importance: High

Accepted your changes and didn't do too much else. Need your blessing before sending to the RD leadership. Thanks for correcting my errors!

Dicamba Desk Statement

EPA is currently reviewing applications for registration from Bayer CropScience and BASF for new registrations of dicamba-based herbicides for over-the-top application for post-emergent use on genetically modified, dicamba-tolerant ("DT") soybeans and cotton. Similarly, EPA is also reviewing an application from Syngenta to remove or revise the expiration of its registration for an over-the-top application onto DT soybeans and cotton to allow its continued use in the 2021 growing season. EPA expects to announce for public comment its decisions on whether to register/renew the products by the end of October.

EPA will have to determine, based on new studies, data and proposed labels, whether the registration applications are sufficient to overcome the deficits identified by the Ninth Circuit in vacating the previous Bayer and BASF registrations.

Background

On June 3, 2020, the Ninth Circuit Court of Appeals issued an order vacating EPA's pesticide registrations containing the active ingredient dicamba: Xtendimax with Vaporgrip Technology (Bayer product with former EPA Reg. No. 524-617); Engenia – (BASF product with former EPA Reg. No. 7969-345); and FeXapan – (Dupont/Corteva product with former EPA Reg. No. 352-913). These three registrations had been conditional and would have expired in late 2020.

Bayer and BASF have submitted applications for new registrations, but to date, Corteva has not. The registration for Syngenta's product Tavium (EPA Reg. No. 100-1623) was not vacated by the court but still expires in late 2020.

The Ninth Circuit found that EPA had made multiple errors in granting the conditional registrations: substantially understating the risks it acknowledged and entirely failing to acknowledge other risks.

Thanks so much, Dan.

Dian

From: Kenny, Daniel <Kenny.Dan@epa.gov>

Sent: Friday, September 11, 2020 3:10 PM

To: Overbey, Dian <Overbey.Dian@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Subject: RE: Draft Dicamba Desk Statement

Hi Dian. I did some work on it, because there were a few factual errors, but I'm sure it's going to need plenty of smoothing out. Let's call this a rough draft, but the information should at least be correct. Hopefully, you might have some suggestions for readability.

Thanks,
Dan

Dicamba Desk Statement

EPA is currently reviewing applications for registration from Bayer CropScience, ~~Corteva~~ and BASF for new ~~formulations~~ registrations of dicamba-based herbicides for over-the-top application for post-emergent use on genetically modified, dicamba-tolerant ("DT") soybeans and cotton. Similarly, EPA is also reviewing an application from Syngenta to remove or revise the expiration of its registration for an over-the-top application onto DT soybeans and cotton to allow its use in the 2021 growing season. EPA expects to announce its ~~proposed~~ decisions on whether to register/renew the products by the end of October for public comment.

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The Ninth Circuit found that EPA had made multiple errors in granting the conditional registrations: substantially understating the risks it acknowledged and entirely failing to acknowledge other risks.

From: Overbey, Dian <Overbey.Dian@epa.gov>

Sent: Friday, September 11, 2020 2:47 PM

To: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Subject: RE: Draft Dicamba Desk Statement

Wonderful! I need your help!

From: Kenny, Daniel <Kenny.Dan@epa.gov>

Sent: Friday, September 11, 2020 2:46 PM

To: Overbey, Dian <Overbey.Dian@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Subject: RE: Draft Dicamba Desk Statement

FYI, I'm here today.

From: Overbey, Dian <Overbey.Dian@epa.gov>

Sent: Friday, September 11, 2020 2:23 PM

To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Subject: Draft Dicamba Desk Statement

Importance: High

Hi Dan,

It appears that Dan Kenny, Meg and Emily Schmidt are all out today. Here's what I drafted for your review and editing. Very rough. Ed wants a desk statement today.

Dicamba Desk Statement

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Thanks,

Dian D. Overbey
Communication Services Branch
Field and External Affairs Division
Office of Pesticide Programs
U.S. Environmental Protection Agency
Potomac Yard S-8927
(703) 305-5018 (O)
(571) 302-0764 (OC)

Message

From: Overbey, Dian [Overbey.Dian@epa.gov]
Sent: 9/11/2020 7:44:30 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: Draft Dicamba Desk Statement

Importance: High

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Thanks so much, Dan.

Dian

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Friday, September 11, 2020 3:10 PM
To: Overbey, Dian <Overbey.Dian@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
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The Ninth Circuit found that EPA had made multiple errors in granting the conditional registrations: substantially understating the risks it acknowledged and entirely failing to acknowledge other risks.

From: Overbey, Dian <Overbey.Dian@epa.gov>

Sent: Friday, September 11, 2020 2:47 PM

To: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Subject: RE: Draft Dicamba Desk Statement

Wonderful! I need your help!

From: Kenny, Daniel <Kenny.Dan@epa.gov>

Sent: Friday, September 11, 2020 2:46 PM

To: Overbey, Dian <Overbey.Dian@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Subject: RE: Draft Dicamba Desk Statement

FYI, I'm here today.

From: Overbey, Dian <Overbey.Dian@epa.gov>

Sent: Friday, September 11, 2020 2:23 PM

To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Subject: Draft Dicamba Desk Statement

Importance: High

Hi Dan,

It appears that Dan Kenny, Meg and Emily Schmidt are all out today. Here's what I drafted for your review and editing. Very rough. Ed wants a desk statement today.

Dicamba Desk Statement

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Thanks,

Dian D. Overbey
Communication Services Branch
Field and External Affairs Division
Office of Pesticide Programs
U.S. Environmental Protection Agency
Potomac Yard S-8927
(703) 305-5018 (O)
(571) 302-0764 (OC)

Message

From: Schmid, Emily [Schmid.Emily@epa.gov]
Sent: 10/27/2020 5:42:41 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
CC: Meadows, Sarah [Meadows.Sarah@epa.gov]
Subject: Xtendimax
Attachments: Xtendimax Reg Notice - For Signature.docx

Hi Dan,

Here is the one for Xtendimax if it turns out they didn't make any changes (Sarah is checking that because I got an error). I think the pagination is a little weird again but didn't want to mess with it since it would change when you sign it anyway. Also, I think the line is back so we might need Sarah to magically delete it again. What would we do without her?

Thanks,
Emily

Emily Schmid
Product Manager 25
Herbicide Branch
Registration Division, Office of Pesticide Programs
U.S. Environmental Protection Agency

From: George Sabbagh [george.sabbagh@bayer.com]
Sent: 10/8/2020 7:11:11 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
CC: BCSReg_Archive [esepamailbox@bayer.com]
Subject: RE: Application Rates
Attachments: smime.p7s

I forwarded your question to the team to discuss.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Head Regulatory Engagements



Regulatory Engagement
Collaborating Across Organizations

////////////////////

Bayer US LLC
801 Pennsylvania Avenue, NW
Suite 900
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Thursday, October 8, 2020 9:29 AM
To: George Sabbagh <george.sabbagh@bayer.com>
Subject: RE: Application Rates

Thanks George. Unfortunately, the field trials that were submitted to support these uses were only conducted at the 0.5 pound active dicamba/acre rate, so that is all that has been assessed. This would apply to both the ESA and the FIFRA mitigation. Because we don't have an assessment that would support a higher application rate as being safe, we are not in a position to move forward with a registration with application rates higher than 0.5 pounds per application. Most likely, we would need to reassess, which we don't have time to do, and would likely need to increase the size of the in field buffer, possibly double it.

The other registrants understand and have complied with this. We would need Bayer to confirm this as well, not only so that the labels are consistent but to avoid a situation where our assessments no longer support the proposed uses. I need to have Bayer on board with this understanding right away to move forward. Let me know if you have any questions that you'd like to discuss and I can give you a call.

Thanks,
Dan

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Wednesday, October 07, 2020 7:11 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Re: Application Rates

Dan,
Bayer position is the 0.5 lbs ai/ac will be max single rate for ESA counties only.

George J. Sabbagh
Regulatory Affairs
Bayer CropScience
913.231.6291

On Oct 7, 2020, at 6:30 PM, Kenny, Daniel <Kenny.Dan@epa.gov> wrote:

All uses.

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Wednesday, October 07, 2020 6:29 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Re: Application Rates

Is this for ESA counties or all uses?

George J. Sabbagh
Regulatory Affairs
Bayer CropScience
913.231.6291

On Oct 7, 2020, at 5:39 PM, Kenny, Daniel <Kenny.Dan@epa.gov> wrote:

Hi George. Can you please confirm that the Xtendimax label will specify a maximum of 0.5 pound active ingredient per application? This would include any application for the DT crops, not just the OTT applications. We need this confirmation for the EFED assessment.

Thanks very much,
Dan

Daniel Kenny, Chief
Herbicide Branch
Registration Division
Office of Pesticide Programs
U.S. Environmental Protection Agency

Message

From: Schmid, Emily [Schmid.Emily@epa.gov]
Sent: 10/27/2020 6:55:23 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: Stamped Labels
Attachments: Xtendimax Stamped.pdf; Engenia Stamped.pdf

Hi Dan,

Here are the stamped labels. Let me now if you need anything else.

Thanks,
Emily

Emily Schmid
Product Manager 25
Herbicide Branch
Registration Division, Office of Pesticide Programs
U.S. Environmental Protection Agency

Message

From: Schmid, Emily [Schmid.Emily@epa.gov]
Sent: 10/27/2020 6:20:33 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
CC: Meadows, Sarah [Meadows.Sarah@epa.gov]
Subject: RE: Xtendimax

I managed to delete it! All three labels are with QAQC now. Phew!!!!

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Tuesday, October 27, 2020 2:11 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: RE: Xtendimax

Here you go... Three for three!!!

(That weird line is still there, but I'm not going to lose any sleep over it...)

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Tuesday, October 27, 2020 1:55 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: FW: Xtendimax

Hi Dan,

This one is okay to be signed. Sarah did the comparison. If you can sign it you don't need to worry about the line. I think I can take it out now.

Thanks,
Emily

From: Schmid, Emily
Sent: Tuesday, October 27, 2020 1:43 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: Xtendimax

Hi Dan,

Here is the one for Xtendimax if it turns out they didn't make any changes (Sarah is checking that because I got an error). I think the pagination is a little weird again but didn't want to mess with it since it would change when you sign it anyway. Also, I think the line is back so we might need Sarah to magically delete it again. What would we do without her?

Thanks,
Emily

Emily Schmid
Product Manager 25

Herbicide Branch
Registration Division, Office of Pesticide Programs
U.S. Environmental Protection Agency

Message

From: Peck, Charles [Peck.Charles@epa.gov]
Sent: 8/28/2020 1:25:31 AM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: Automatic reply: Bayer CropScience Data Report Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)

I will be out of the office on Friday August 28th. I will answer your email upon my return to the office.

Chuck Peck
EFED

Message

From: Meadows, Sarah [Meadows.Sarah@epa.gov]
Sent: 8/28/2020 1:25:31 AM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: Automatic reply: Bayer CropScience Data Report Submission in Support of 2020 Registration of XtendiMax With VaporGrip Technology (264-RERN)

Hello. I am currently out of the office. I will respond as soon as possible upon my return.

Message

From: Green, Jamie [Green.Jamie@epa.gov]
Sent: 6/9/2020 9:58:26 PM
To: Singletary, DeAndre [Singletary.DeAndre@epa.gov]; Smith, John [Smith.John@epa.gov]; Jones, Doug [jones.doug@epa.gov]; Rosado-Chaparro, Wilfredo [Rosado-Chaparro.Wilfredo@epa.gov]; Weekley, Erin [weekley.erin@epa.gov]
CC: Green, Jamie [Green.Jamie@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: Fwd: EPA Cancellation Order for Dicamba Products Impacts Kansas Agriculture
Attachments: image002.png; ATT00001.htm; image004.png; ATT00002.htm; image006.jpg; ATT00003.htm; PR - EPA Cancellation Order for Dicamba Products Impacts Kansas Agriculture.docx; ATT00004.htm; PR - EPA Cancellation Order for Dicamba Products Impacts Kansas Agriculture.pdf; ATT00005.htm

I'm not sure at this point whether this consistent with the intent of the order or not. Will need to discuss further tomorrow.

Sent from my iPhone

Begin forwarded message:

From: "Meyer, Gary [KDA]" <Gary.Meyer@ks.gov>
Date: June 9, 2020 at 4:47:08 PM CDT
To: "Green, Jamie" <Green.Jamie@epa.gov>, "Taylor, Maren" <taylor.maren@epa.gov>
Subject: FW: EPA Cancellation Order for Dicamba Products Impacts Kansas Agriculture

Jamie and Maren,
Here's the news release that just went out from KDA.
Gary

Gary D. Meyer, DVM, MPH, Program Manager
Kansas Department of Agriculture
Pesticide & Fertilizer Program
1320 Research Park Dr
Manhattan, KS 66502
(785) 564-6688
kda.pestfert@ks.gov
<http://agriculture.ks.gov/divisions-programs/pesticide-fertilizer>

From: Lansdowne, Heather [KDA] <Heather.Lansdowne@ks.gov>
Sent: Tuesday, June 9, 2020 4:42 PM
To: KDA Media <AGMEDIA@ks.gov>
Subject: EPA Cancellation Order for Dicamba Products Impacts Kansas Agriculture

Outlook uses the Internet Explorer rendering engine. To help protect your privacy, Outlook prevented automatic download of some pictures from the Internet.

News Release

June 9, 2020

For more information:

Heather Lansdowne

785-564-6706

AgMedia@ks.gov

EPA Cancellation Order for Dicamba Products Impacts Kansas Agriculture

MANHATTAN, Kansas — On Monday, June 8, 2020, the U.S. Environmental Protection Agency issued a final cancellation order for three dicamba products in response to the recent court ruling that vacated registration for the products. The EPA's cancellation order intended to clarify the limited and specific circumstances under which these dicamba products can be used for a limited period of time, including provisions for existing stocks. The Kansas Department of Agriculture has identified several unanswered questions about how this order applies to Kansas farmers and agribusinesses and is in communication with the EPA for further interpretation.

The EPA cancellation order addresses the sale, distribution, and use of existing stocks of the three affected dicamba products: Engenia, FeXapan, and Xtendimax with Vaporgrip Technology. Under this cancellation order, further distribution or sale of all existing stocks of these products is allowed only to the end user. Such distribution and sales can only be made by Kansas restricted use pesticide dealers. If growers, commercial applicators, and agribusinesses have these products in their possession, end use applications may still occur provided that all label restrictions are followed. All use is prohibited after July 31, 2020.

As further details become available from the EPA, KDA will share that information on our website at www.agriculture.ks.gov/dicamba. This site will also serve as a source for more detail on the affected dicamba products, the EPA order, and how this order applies in Kansas. If you have additional questions, please contact the KDA pesticide and fertilizer program at 785-564-6688.

###

Click below to connect on the Department of Agriculture's Social Networks:

Message

From: Baumgartner, Donald [baumgartner.donald@epa.gov]
Sent: 6/4/2020 2:26:41 PM
To: Rose, Mary A. [rose.155@osu.edu]
CC: Baumgartner, Donald [baumgartner.donald@epa.gov]; Martig, Anton (Tony) [martig.anton@epa.gov]; Rittenhouse, Susan [Rittenhouse.Susan@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; Hopkins, Yvette [Hopkins.Yvette@epa.gov]; Gaines, Jennifer [gaines.jennifer@epa.gov]; Star, David [star.david@epa.gov]
Subject: Dicamba question from Ohio Extension = How Does Recent 9th Circuit Court Decision Impact Current Dicamba Products?

Mimi,

I do not have an answer to your question as below regarding the recent 9th Circuit Court decision on Dicamba products and how that now impacts the current products. We will have to wait for advice from EPA Headquarters on this matter.

I am copying the EPA Registration Division and others to get this question on their radar screen. Thanks

Donald

Donald Baumgartner, B.S., M.S. Medical Entomologist
R5 WPS Coordinator, R5 C&T Coord., Bed Bug Specialist, Zika/Mosq Control, Urban Pests
TSCA and Pesticides Section (LL-17J), Land and Chemicals Branch
U.S. Environmental Protection Agency Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604
ph. 312/886-7835
fax 312/697-2531
baumgartner.donald@epa.gov

For pesticide information visit <http://www.epa.gov/pesticides/> or <http://npic.orst.edu/>

R5 Bed Bug Hotline at 888/644-2200 or bedbugs@umn.edu

To report environmental violations visit <https://www.epa.gov/pesticide-incidents>

Life Lesson: We do not stop playing because we grow old; we grow old because we stop playing.

Have a Bed Bug Free Day!!

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From: Rose, Mary A. <rose.155@osu.edu>
Sent: Thursday, June 4, 2020 8:36 AM
To: Baumgartner, Donald <baumgartner.donald@epa.gov>
Subject: question: W: Ninth Circuit Court of Appeals Hearing on Dicamba Petition

Donald,

Does this dicamba court decision mean that all the uses under this label have to stop immediately?

Begin forwarded message:

From: "Roundup Ready Xtend" <info@email.roundupreadyxtendcropsystem.com>
Subject: Ninth Circuit Court of Appeals Hearing on Dicamba Petition

Date: June 4, 2020 at 9:16:03 AM EDT

To: <watters.35@osu.edu>

Reply-To: "Roundup Ready PLUS Crop Management Solutions" <reply-37478548-1546929_HTML-1990108658-113918-0@email.roundupreadyplus.com>

To view this email as a webpage, [click here](#)



JUNE

On June 3, 2020, the U.S. Court of Appeals for the Ninth Circuit issued a ruling that vacates current U.S. registrations of certain low-volatility dicamba products, including XtendiMax® herbicide. We are currently reviewing the ruling and consulting with the EPA. We will follow up with more details about the ruling and our next steps soon. In the meantime, please visit www.roundupreadyxtend.com/xtendimaxupdates to keep updated on the latest developments.

[READ MORE](#)



ALWAYS READ AND FOLLOW PESTICIDE LABEL

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This e-mail was sent by:

Crop Science USA
800 N. Lindbergh Blvd.
St. Louis, MO 63167
USA

To update your profile or to unsubscribe visit the [profile center](#)

Message

From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 4/29/2020 10:25:23 PM
To: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: Re: Dicamba court orders briefing re which products are subject to an order

My guess is that, if they do vacate, it will apply to the registration. For Bayer, since they already had a product and the registration was for an amendment to add the new uses, they would keep the other non-OTT uses. If they extend (no pun intended) the decision to the other companies' registrations, that would be for the whole products, since they registered all uses at the same time. That's what I would guess anyway.

On Apr 29, 2020, at 6:09 PM, Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov> wrote:

Ok – then.

So do you interpret this to mean that the 'regular' uses on the extend label – such as pasture or even pre-emerge soybean will be sort of 'carved' out of the order to vacate?

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Wednesday, April 29, 2020 6:00 PM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: FW: Dicamba court orders briefing re which products are subject to an order

Looks like things could start getting interesting....

From: Garrison, Scott <Garrison.Scott@epa.gov>
Sent: Wednesday, April 29, 2020 5:34 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Cole, Joseph E. <cole.josephe@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>
Subject: Dicamba court orders briefing re which products are subject to an order

Confidential communication for internal deliberations only. Attorney-client privilege. Do not distribute outside EPA.

⇒ Note that Matt Leopold is recused from this matter.

The 9th Circuit issued an order today following up on last week's oral argument in the dicamba case, National Family Farm Coalition, et al v. USEPA, et al. The full order is in the email chain below, the key parts are:

The parties thus appear to disagree as to the scope of the challenge before us. As we read the petitioners' brief, they seek to challenge the entirety of the registration decision

promulgated by the EPA on October 31, 2018, approving conditional registrations for post-emergent application of dicamba herbicides manufactured by Bayer CropScience, Corteva, and BASF. As we read EPA's brief, it contends that petitioners' challenge extends only to the conditional registration for post-emergent application of the dicamba herbicide manufactured by Bayer CropScience. ... Within fourteen days of the issuance of this order, the parties, including Intervenor Bayer CropScience, are directed to provide simultaneous letter briefs addressing the scope of petitioners' challenge. The briefs are to be no longer than ten pages of text, double-spaced, in size 14 font.

Ex. 5 Attorney Client (AC)

Scott Garrison
Pesticides and Toxic Substances Law Office (2333A)
Office of General Counsel
U.S. Environmental Protection Agency
202-564-4047
garrison.scott@epa.gov

From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Sent: Wednesday, April 29, 2020 2:13 PM
To: Knorr, Michele <knorr.michele@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Meghan Greenfield <Meghan.Greenfield@usdoj.gov>
Cc: Grosko, Brett (ENRD) <Brett.Grosko@usdoj.gov>
Subject: FW: 19-70115 National Family Farm Coalition, et al v. USEPA, et al "Order Filed (From Chambers)"

Well, the Court identified the problem about what actions are under review. We have 14 days to respond with a brief addressing the scope of Petitioners' challenge.

Sarah

From: ca9_ecfnoticing@ca9.uscourts.gov <ca9_ecfnoticing@ca9.uscourts.gov>
Sent: Wednesday, April 29, 2020 2:08 PM
To: Buckley, Sarah (ENRD) <SBuckley@ENRD.USDOJ.GOV>
Subject: 19-70115 National Family Farm Coalition, et al v. USEPA, et al "Order Filed (From Chambers)"

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United States Court of Appeals for the Ninth Circuit

Notice of Docket Activity

The following transaction was entered on 04/29/2020 at 11:06:35 AM PDT and filed on 04/29/2020

Case Name: National Family Farm Coalition, et al v. USEPA, et al
Case Number: 19-70115
Document(s): Document(s)

Docket Text:

Filed order (MICHAEL DALY HAWKINS, M. MARGARET MCKEOWN and WILLIAM A. FLETCHER): On October 31, 2018, EPA signed a decision announcing that it “will be granting requests by Bayer CropScience (formerly Monsanto Company), Corteva (formerly DuPont), and BASF to amend their existing conditional registrations that contain expiration dates of November 9, 2018, and December 20, 2018, respectively.” ER 3. Pursuant to this decision, EPA issued three conditional registrations. On November 1, 2018, EPA issued a conditional registration to Bayer CropScience for its “M1768 Herbicide” [“XtendiMax With VaporGrip Technology”]. ER 65, 81. On November 2, 2018, EPA issued a conditional registration to BASF for its “Engenia Herbicide.” ER 167. On November 5, 2018, EPA issued a conditional registration to Corteva for its “DuPont FeXapan Herbicide.” ER 121. In a petition to our Court, National Family Farm Coalition et al. challenged the decision of EPA. Petitioners’ brief begins: “This petition seeks review of the October 31, 2018, decision by the United States Environmental Protection Agency (EPA) to continue the new uses registrations of the pesticide dicamba on dicambaresistant cotton and soybean. . . . Petitioners timely filed this petition for review.” Blue Brief at 1. Petitioners write further: “This case concerns a pesticide Intervenor Monsanto developed, ‘XtendiMax with VaporGrip Technology’ (XtendiMax), containing the weed-killing active ingredient dicamba. ER0003–4.” Id. at 2. They append a footnote to this sentence: “The registration also covers the competitor dicamba varieties approved by EPA for the same uses. ER0004–5, tbl.2; ER121–ER 0210. We use XtendiMax for simplicity.” Id. at 2, n.4. EPA writes in its brief: “Although not at issue here, EPA has issued registrations for two other dicamba products for the same uses, Engenia and FeXapan. EPA Reg. Nos. 7969-345 and 352-913. EPA’s 2018 registration action also amended the Engenia and FeXapan registrations.” Red Brief at 12–13, n.3. The parties thus appear to disagree as to the scope of the challenge before us. As we read the petitioners’ brief, they seek to challenge the entirety of the registration decision promulgated by the EPA on October 31, 2018, approving conditional registrations for post-emergent application of dicamba herbicides manufactured by Bayer CropScience, Corteva, and BASF. As we read EPA’s brief, it contends that petitioners’ challenge extends only to the conditional registration for post-emergent application of the dicamba herbicide manufactured by Bayer CropScience. The briefing now before this Court does little more than to indicate disagreement between the parties. The Court would be assisted by more sustained briefing on the scope of petitioners’ challenge. Within

fourteen days of the issuance of this order, the parties, including Intervenor Bayer CropScience, are directed to provide simultaneous letter briefs addressing the scope of petitioners' challenge. The briefs are to be no longer than ten pages of text, double-spaced, in size 14 font. [11675470] (AF)

Notice will be electronically mailed to:

Richard P. Bress, Attorney
Sarah A. Buckley, Trial Attorney
Jesse A. Buss
Mr. John Brett Grosko, Trial Attorney
Mr. George Andreas Kimbrell, Attorney
Jon Michael Lipshultz
Ms. Stephanie M. Parent, Attorney
Philip J. Perry, Attorney
Mr. Andrew Prins
Claire Tonry
Ms. Amy Luisa Van Saun, Staff Attorney
Stacey L. VanBelleghem
Ms. Sylvia Shih-Yau Wu, Attorney

Case participants listed below will not receive this electronic notice:

USEPA - Agency Representative
USEPA - U.S. ENVIRONMENTAL PROTECTION AGENCY
1101A
1200 Pennsylvania Ave., NW
Washington, DC 20460

The following document(s) are associated with this transaction:

Document Description: Main Document

Original Filename: 19-70115 NFF order supp briefing FILE.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1106763461 [Date=04/29/2020] [FileNumber=11675470-0]
[1e64957da47a386301b116927feb82229f135e7267b0edfc7b8c4dd444c2732ed06d6a96daafb0b0
0b2b647b9876deeba55340eb8b8e198297f3f506e16428bb]]

Message

From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 4/29/2020 9:53:29 PM
To: Knorr, Michele [Knorr.Michele@epa.gov]
Subject: Product Names and Registration Numbers

Here you go.... Just so you know, since you will be linking them to the registrations is PPLS, I used the official product name in some cases with the alternate brand name that we are used to seeing in parentheses. Just let me know if you need me to clarify.

M1768 Herbicide (Xtendimax with VaporGrip Technology)
EPA Registration No. 524-617

Engenia Herbicide
EPA Registration No. 7969-345

FeXapan Herbicide
EPA Registration No. 352-913

A21472 Plus VaporGrip Technology (Tavium Herbicide)
EPA Registration No. 100-1623

Good luck,
Dan

Daniel Kenny, Chief
Herbicide Branch
Registration Division
Office of Pesticide Programs
U.S. Environmental Protection Agency

Message

From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 10/25/2020 8:24:54 PM
To: Garrison, Scott [Garrison.Scott@epa.gov]; Knorr, Michele [Knorr.Michele@epa.gov]
CC: Echeverria, Marietta (Echeverria.Marietta@epa.gov) [Echeverria.Marietta@epa.gov]; Schmid, Emily (Schmid.Emily@epa.gov) [Schmid.Emily@epa.gov]
Subject: FW: [EXT] Draft Terms of Registration

FYI – BASF's comments on the terms. I'm not sure what to do with #1.

From: Jeffrey H Birk <jeffrey.birk@basf.com>
Sent: Sunday, October 25, 2020 3:28 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; John Erickson <john.r.erickson@basf.com>; John Sedivy <john.sedivy@basf.com>; Timothy A Mahl <timothy.mahl@basf.com>; Kathryn E. Szmuszkovicz <kes@bdlaw.com>; Catherine A Trinkle <catherine.trinkle@basf.com>; Timothy A Mahl <timothy.mahl@basf.com>; Anthony L. Michaels <AMichaels@bdlaw.com>; Melanie L Stevens <melanie.stevens@basf.com>; John Pendergast <john.pendergast@basf.com>; David A. Barker <DBarker@bdlaw.com>; Wellschlager, John R. <john.wellschlager@dlapiper.com>
Subject: RE: [EXT] Draft Terms of Registration

Hello Dan,

After reviewing the Terms of Registration, BASF has two substantive changes:

1. When referring to a Volatility Reduction Agent/Adjuvant (VRA), BASF prefers not to use that term as a general description for the tank mix adjuvant that is required to reduce the increase in volatility potential with certain tank mix conditions. BASF prefers the use of the term "pH Buffering Adjuvant" and has amended the Engenia herbicide draft label to reflect this preference. For BASF the pH buffering adjuvant that is anticipated to be initially approved is Sentris™ Buffering Technology.
2. The sales reporting date as proposed for September is too early. Retail and Distribution channel inventory reconciliation is often not completed until near the end of the year. BASF therefore requests that the sales reporting requirement remain as it has been, January 15, as part of the annual reporting requirements, or later.

BASF understands that other registrants are proposing similar changes and BASF fully expects that general changes to the Terms of Registration be applied equally across registrants, independent of which registrant negotiated the change. BASF also expects any comments to the registration conditions to be a consensus position with the other registrants.

As I indicated earlier today, BASF has a few (9) consistency changes to the proposed Engenia labeling that we are making and will await any final changes from the Agency before finalizing that final draft of the label tomorrow morning.

Thanks,

Jeff

JEFFREY BIRK
Product Registration Manager

Phone: +1 919 547-2622, Mobile: +1-919-225-9220, Fax: +1 919 547-2850, Email: jeffrey.birk@basf.com
Postal Address: BASF Corporation, , 26 Davis Drive, 27709-3528 Research Triangle Park, United States



We create chemistry

BASF Corporation

From: Kenny, Daniel <Kenny.Dan@epa.gov>

Sent: Friday, October 23, 2020 8:47 PM

To: Jeffrey H Birk <jeffrey.birk@basf.com>

Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Subject: [EXT] Draft Terms of Registration

Hi Jeff, please see the attached file. This file contains the draft registration terms for XtendiMax. Please review the terms and send us your concurrence as soon as you are able to. Please note that we may need to enter more specific information to indicate the passing results for some of the protocols that appear in the appendices. If there's anything you'd like to discuss, please let us know.

Thanks,
Dan

Daniel Kenny, Chief
Herbicide Branch
Registration Division
Office of Pesticide Programs
U.S. Environmental Protection Agency

Message

From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 4/8/2020 4:31:51 PM
To: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: Fwd: Bayer VGX Bibliography - Dicamba

FYI

Sent from my iPhone

Begin forwarded message:

From: "Kenny, Daniel" <Kenny.Dan@epa.gov>
Date: April 8, 2020 at 12:30:38 PM EDT
To: "Corbin, Mark" <Corbin.Mark@epa.gov>
Cc: "Hathaway, Margaret" <Hathaway.Margaret@epa.gov>, "Farruggia, Frank" <Farruggia.Frank@epa.gov>, "Odenkirchen, Edward" <Odenkirchen.Edward@epa.gov>, "Peck, Charles" <Peck.Charles@epa.gov>, "Sankula, Sujatha" <Sankula.Sujatha@epa.gov>, "Wagman, Michael" <Wagman.Michael@epa.gov>, "Wait, Monica" <Wait.Monica@epa.gov>, "Schmid, Emily" <Schmid.Emily@epa.gov>, "Meadows, Sarah" <Meadows.Sarah@epa.gov>
Subject: Re: Bayer VGX Bibliography - Dicamba

Hi Mark. It may be easier to talk instead, but we agree with you that this data is outside the scope of the decision that we are charged to revisit for dicamba. I've spoken with the RD DD's as well, and we feel that the use of the adjuvant is already approved, so no additional work is needed there. If they would like to reformulate the product with the adjuvant already in, that amounts to a new action that would be subject to its own timeline, like the premixed. I think it's OK to separate the adjuvant data out of what we need to do right now.

I'm happy to talk more about it if you'd like to discuss.

Thanks,
Dan

Sent from my iPhone

On Apr 8, 2020, at 12:13 PM, Corbin, Mark <Corbin.Mark@epa.gov> wrote:

Meg and Dan

Can you help me understand the request. I don't know what this means in the context of the registrations we are currently working on. So my first question is what's the relevance to this data to the current actions?

Also, we don't have an action in house for the VGX correct? I know they said they would submit this as a new product registration that has not even been submitted yet. And since this is already allowed as a tank mix partner not sure what we would do with the data.

My concern is the same as what we discussed before. This is a massive amount of data whose relevance to our current actions is unclear to me. To add this to the review mix at this late of a date would be very challenging in my opinion

mark

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, April 08, 2020 10:52 AM
To: Corbin, Mark <Corbin.Mark@epa.gov>
Cc: Farruggia, Frank <Farruggia.Frank@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Sankula, Sujatha <Sankula.Sujatha@epa.gov>; Wagman, Michael <Wagman.Michael@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: FW: Bayer VGX Bibliography - Dicamba

Hello Mark:

Following up from the dicamba adjuvant call Bayer had with our office last week, Bayer has provided the attached bibliography of VaporGrip X (MON 51817) spray drift and volatility data.

As noted on the cover page of this document, Bayer/Monsanto say that this is a list of "study data that has been or can be made available to EFED for evaluating the impact on spray drift and volatility characteristics of dicamba when additional VaporGrip is added as a tank mix buffering agent (VaporGrip X)." They have provided MRID numbers for data already submitted to the Agency.

Please take a look at this list and let me know if there is anything if we want to ask Bayer for at this time. If so, Bayer requests that we convey to them if there is a priority shortlist of data that Bayer should prioritize getting to EPA first. Bayer may also try to bring up this list during tomorrow's 6a2 call at 11am, so keep that in mind too.

Thanks,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Monday, April 06, 2020 7:21 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hello Meg,

Attached is a copy of the bibliography listing the studies that were mentioned in the presentation last week.

Please, let me know if you have questions.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, April 1, 2020 1:11 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Thank you, George:
My office looks forward to seeing the bibliography soon.

Best regards,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Wednesday, April 01, 2020 11:18 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg,

Below is the list of Bayer personnel who participated on the Monday call.

We are compiling the list of studies/reports (Bibliography) that were discussed during the call. The target is to have it completed by end of the week.

Please, let me know if you have questions.

Name	Email	Phone Number
Dan Dyer	dan.dyer@bayer.com	Ex. 6 Personal Privacy (PP)
George Sabbagh	george.sabbagh@bayer.com	
Lance Schuler	lance.schuler@bayer.com	
Naresh Pai	naresh.pai@bayer.com	
Ryan Rector	ryan.rector@bayer.com	
Steven Callen	steven.callen@bayer.com	
Thomas Orr	thomas.orr@bayer.com	
Tilghman Hall	tilghman.hall@bayer.com	
Timothy Fredricks	timothy.fredricks@bayer.com	
Tina Bhakta	tina.bhakta@bayer.com	

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, March 30, 2020 9:21 AM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Seeking your Input.

Thank you, George:

I was able to successfully open the attached slide deck and have forwarded both the slides and Skype invitation to the relevant EPA participants for our 10am call today.

Talk to you soon,

Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Sunday, March 29, 2020 1:46 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg,

Attached is a copy of the slides that will be covered on our call. Additional notes on the content of the slides are provided.

I sent an invite on Friday for our call. The invite includes the link to the Skype call (video and audio). You can forward the invite to your colleagues who will be attending. The link is also provided below. I will get on the call 10 minutes early (9:50 a.m.). If you can join few minutes early, we can test the connection.

Join Skype Meeting

Trouble Joining? [Try Skype Web App](#)

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>
Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Friday, March 27, 2020 4:12 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hello George:

I've gotten direction that for our Monday meeting, my office would actually prefer if Bayer could set up the Skype meeting and provide connection information to EPA staff. Would that be possible? If so, you can email me the meeting details and I will forward them to the appropriate people in my office.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Tuesday, March 24, 2020 7:37 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Thank you Meg. I will supply the slide deck when completed.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>
Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, March 23, 2020 5:05 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Seeking your Input.

Great! Thank you, George, for the confirmation.

On Monday at 10am, please use the following link to join the skype conference call.

[Join Skype Meeting](#)

[Trouble Joining? Try Skype Web App](#)

Please keep me posted as your team develops any presentation materials that should be shared with the group.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Monday, March 23, 2020 3:42 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg, Monday March 30th 10:00 – 11:00 a.m. works well. Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>
Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Monday, March 23, 2020 1:01 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input

Dan, Resending the request.

Please, let me know if you need more information.

Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>

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Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Tuesday, March 17, 2020 8:32 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: Seeking your Input

Hi Dan,

Following up on our call last week.

Bayer is looking to set up a meeting with the Agency (latter part of next week or the week after) to share data from testing the adjuvant VaporGrip X with the Product XtendiMax.

Results from field trials conducted by Bayer and Academics with the VaporGrip X have shown positive response to reducing off-target movement of XtendiMax. During the meeting, Bayer will go over these trials, share the results and discuss further plans.

Meeting information:

Proposed dates: March 26-27, or Week of March 30.

Proposed Agenda: Review of results from Testing VaporGrip X with Xtendimax

Attendees:

- Bayer Regulatory affairs and Environmental Safety
- EPA RD and EFED

Looking forward to hearing from you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations

<image001.png>

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Message

From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 3/27/2020 3:34:38 PM
To: Knorr, Michele [knorr.michele@epa.gov]
Subject: Re: On phone with Rick

No problem, and thanks. Good luck with your other adventure!

Dan

On Mar 27, 2020, at 11:15 AM, Knorr, Michele <knorr.michele@epa.gov> wrote:

<image001.gif>

I asked Scott to look at the language to see if it was confusing having all the registrants in the first sentence. Please check in with him. Thanks and sorry I am so rushed on another issue today.

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Friday, March 27, 2020 10:47 AM
To: Knorr, Michele <knorr.michele@epa.gov>
Subject: RE: On phone with Rick

It's the highlighted parts in the passage below:

Any of the information listed below, in the possession of BASF, Bayer (and previously Monsanto), Corteva, Syngenta or any of its consultants, attorneys, or agents, must be reported to EPA under section 6(a)(2):

- 1) Information not already provided to EPA by your company regarding incidents or allegations of non-target plant damage resulting from the use of, or contact with dicamba, including non-lethal effects, which occurred in any country at any time before or after the 2018 registration of the dicamba products (Engenia, EPA Registration No. 7969-345; Fexapan, EPA Registration No. 352-913; Tavium, EPA Registration No. 100-1623; and Xtendimax, EPA Registration No. 524-617). This includes, but is not limited to, complaints, memos, investigations reports, or other documents

arising from allegations of such incidents. EPA is particularly interested in information on the location of incidents, the distance between the damage location and any dicamba product applications to label-authorized or unauthorized sites, and any quantitative measurements of damage including visual injury, plant height, and plant yield.

- 2) Any information, including, but not limited to deposition transcripts, responses to interrogatories, expert reports, other discovery documents (including internal company correspondence), and trial exhibits or transcripts, that was generated as a result of or in anticipation of lawsuits filed in any country, indicating that use of or contact with dicamba, directly, or indirectly resulted or may have resulted in adverse effects to non-target plants.
- 3) All studies and associated data (raw and summary) not already provided to EPA by your company, completed or in progress, conducted or sponsored by or for your company^[1] regarding the aforementioned products pertaining to:
 - a) Off-target movement of dicamba, either target or nontarget, through direct application, volatilization, off-site spray drift, potential for long-range transport, runoff, or leaching to groundwater. Include any study summary or test that was discontinued because of unexpected dicamba damage to controls or test plots, that pertains to off-site transport, damage off of the treated area, or contamination of workspaces (indoor or outdoor) following the treatment for a test.
 - b) Dicamba's toxicity to plants (*e.g.*, antagonism, development of resistance), either target or nontarget, through direct application, volatilization, off-site spray drift, potential for long-range transport, runoff, or leaching to groundwater that were commenced by BASF, Bayer (and previously Monsanto), Corteva, or Syngenta, or by others for BASF, Bayer (and previously Monsanto), Corteva, or Syngenta where no written reports or summaries were submitted to BASF, Bayer (and previously Monsanto), Corteva, or Syngenta. Include both indoor (greenhouse studies) and outdoor (field or plot studies), as well as reports from efficacy studies or incidents.

If BASF, Bayer (and previously Monsanto), Corteva, Syngenta, any subsidiary of these companies, or any consultant, attorney, or agent who acquired such information while acting as a consultant, attorney, or agent for BASF, Bayer (and previously Monsanto), Corteva, or Syngenta, has any

^[1] This includes all studies and associated data conducted by BASF, Bayer (and previously Monsanto), Corteva, or Syngenta as well by others for BASF, Bayer (and previously Monsanto), Corteva, or Syngenta, including but not limited to university and weed scientists, regardless of the stage of the study (*e.g.*, study began, but not completed)].

information relating to dicamba that falls into the categories identified above, such information must be submitted pursuant to FIFRA section 6(a)(2) as well as the terms and conditions of registration. Please note that EPA is not asking attorneys to provide any opinions or conclusions rendered as the professional legal judgment of an attorney, as defined in the Model Code, as part of this letter. However, any factual information in the possession of attorneys that attorneys acquired while working for BASF, Bayer (and previously Monsanto), Corteva, or Syngenta that falls into the categories identified in this letter, including any applicable expert opinions of non-attorneys, must be submitted pursuant to this letter. Any information that has previously been submitted to EPA's Office of Pesticide Programs is excluded and need not be provided to the Agency again in response to this letter.

From: Knorr, Michele <knorr.michele@epa.gov>
Sent: Friday, March 27, 2020 10:34 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: On phone with Rick

Can you copy and paste the language and I will get right back to you? :)

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Friday, March 27, 2020 9:57 AM
To: Knorr, Michele <knorr.michele@epa.gov>
Subject: RE: On phone with Rick

Quick question on 6a2 letter. We did decide to leave the reference to all four companies and all four products in the body of the letter, even though individual letters are going out to each company, right? I just wanted to make sure I remembered that correctly as I was preparing the finals for signature.

Sorry to keep bugging you. I have to say, you're a pretty good multi-tasker!

Dan

From: Knorr, Michele <knorr.michele@epa.gov>
Sent: Friday, March 27, 2020 9:55 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: On phone with Rick

Is this about docketing? You don't have to docket.

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

.....

.....

Message

From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 10/23/2020 6:12:23 PM
To: Schmid, Emily [Schmid.Emily@epa.gov]
Subject: RE: Comments on Registration Notices

Good idea, definitely put your magic into the labels first.

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Friday, October 23, 2020 2:10 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Comments on Registration Notices

I'm trying to get through these labels first. I just finished Engenia which is I think the only one Dan R. has finished with so far. I have attached it in case you want to take a look.

I look at the comments on the reg notice now.

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Friday, October 23, 2020 2:08 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Comments on Registration Notices

Yes, sorry. It's really hard to work like this and do a careful job. It just begs for mistakes. Did the comments make sense to you?

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Friday, October 23, 2020 1:56 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Comments on Registration Notices

That's good! I have been feeling sick like they were a total mess. I have had to change out sections so many times and I rushed at the end to get them out I was sure I was going to make a huge mistake...

It's so hard feeling rushed.

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Friday, October 23, 2020 1:54 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: FW: Comments on Registration Notices

Not that there's that many comments...

From: Kenny, Daniel
Sent: Friday, October 23, 2020 1:53 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Comments on Registration Notices

Just on the Xtendimax, but figured the bulk of the comments apply to all 3.

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Friday, October 23, 2020 1:41 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Comments on Registration Notices

Thanks Dan! Comments on all three?

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Friday, October 23, 2020 1:40 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Comments on Registration Notices

Hi Emily. My comments are in there, for your consideration. There's a couple things in there that might need a decision that we should all talk about first.

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Friday, October 23, 2020 12:22 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>
Subject: Comments on Registration Notices

Hi Dicamba Team,

I have shared the three registration notices for everyone to review. Please provide comments to me by 3:00.

Thank you,
Emily

Emily Schmid
Product Manager 25
Herbicide Branch
Registration Division, Office of Pesticide Programs
U.S. Environmental Protection Agency

Message


From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 10/22/2020 5:51:33 PM
To: Crawford, Lydia [Crawford.Lydia@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]
Subject: RE: Xtendimax label comment help

Yes, you are absolutely right. This is a different use, and is not covered under a DT-crop scenario. You're right to ask them to remove it.

From: Crawford, Lydia <Crawford.Lydia@epa.gov>
Sent: Thursday, October 22, 2020 9:01 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: Xtendimax label comment help

Hey Dan and Emily,

Bayer has included use directions for "Between Crop Applications" which I initially thought were redundant and asked them to remove it. Their response made it sound like this is a whole other use that I don't think is acceptable. My current response for why they need to remove it is "These uses were not assessed as part of this application" but I need some help figuring out if that's the right phrasing/ argument. The label section and Bayer response are below:

SPECIFIC USE DIRECTIONS	
<div>  BETWEEN CROP APPLICATIONS Postharvest, fallow, crop stubble, set-aside for broadleaf weed control only </div>	
Application Rates	<ul style="list-style-type: none"> Apply 22 fluid ounces of XtendiMax® With VaporGrip® Technology per acre.
Maximum Rates	<ul style="list-style-type: none"> Per treated acre per year: 55 fluid ounces (2.0 lb. a.e. dicamba per acre)
Application Timing	<ul style="list-style-type: none"> XtendiMax® With VaporGrip® Technology can be applied either postharvest in the fall, spring, or summer during the fallow period or to crop stubble/set-aside acres. For best performance, apply XtendiMax® With VaporGrip® Technology when annual weeds are less than 4 inches tall, when biennial weeds are in the rosette stage, and to perennial weed regrowth in late summer or fall following a mowing or tillage treatment. The most effective control of upright perennial broadleaf weeds such as Canada thistle and Jerusalem artichoke occurs if XtendiMax® With VaporGrip® Technology is applied when the majority of weeds have at least 4 – 6 inches of regrowth or for weeds such as field bindweed and hedge bindweed that are in or beyond the full bloom stage.
Application Method	<ul style="list-style-type: none"> Apply XtendiMax® With VaporGrip® Technology as a broadcast or spot treatment to emerged and actively growing weeds after crop harvest (postharvest) and before a killing frost or in the fallow cropland or crop stubble the following spring or summer.
Livestock Grazing or Feeding	<ul style="list-style-type: none"> Permitted.
Use Precautions	<ul style="list-style-type: none"> Avoid disturbing treated areas following application. Treatments may not kill weeds that develop from seed or underground plant parts, such as rhizomes or bulblets, after the effective period for XtendiMax® With VaporGrip® Technology. For seedling control, a follow-up program or other cultural practices could be instituted. Refer to the "Rotational Crops" section of this label for the recommended interval between application and planting to prevent crop injury.
<div> <div> Between Crop Applications: "These uses are covered by the preplant instructions for DT cotton and soybean. Having them as separate instructions as well is misleading." Suggested edit was to delete this section. (p. 11) </div> <div> These uses are not covered by the preplant instructions for DT cotton and soybean. This "Between Crop Applications" use: <ol style="list-style-type: none"> Offers growers post-harvest weed control opportunity to have a low-volatility dicamba with greatly improved application requirements to mitigate OTM and protection of endangered species/areas (vs the myriad other dicambas with this label provision). Fall or post-harvest applications tank-mixed with other herbicides can be a very effective tool to manage escaped or newly emerged weeds after harvest equipment, fall tillage, or other production practice has occurred before hard freeze to manage spring weed populations. Allowing additional post-harvest uses also allows retailers and growers to use left-over stock of this low-volatility product in this manner vs other dicambas. </div> </div>	

Thanks!

Lydia Crawford PhD

Biologist | Herbicide Branch | Registration Division

U.S. Environmental Protection Agency | Office of Pesticide Programs

(703) 347-0622 | Crawford.Lydia@epa.gov

Message

From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 10/21/2020 1:01:15 AM
To: Garrison, Scott [Garrison.Scott@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Knorr, Michele [Knorr.Michele@epa.gov]
CC: Schmid, Emily (Schmid.Emily@epa.gov) [Schmid.Emily@epa.gov]
Subject: RE: Courtesy copy

Looping in Emily (she's working on the Registration Notices).

From: Garrison, Scott <Garrison.Scott@epa.gov>
Sent: Tuesday, October 20, 2020 5:24 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>
Subject: RE: Courtesy copy

Confidential communication for internal deliberations only. Attorney-client privilege. Do not distribute outside U.S. Government.

My suggestions are in blue below

Scott Garrison
Pesticides and Toxic Substances Law Office (2333A)
Office of General Counsel
U.S. Environmental Protection Agency
202-564-4047
garrison.scott@epa.gov

From: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Sent: Tuesday, October 20, 2020 5:18 PM
To: Garrison, Scott <Garrison.Scott@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>
Subject: FW: Courtesy copy

Draft response to Bayer.

Please see suggested edits below in red. Are you guys ok with me sending this back to Bayer?

From: Thomas Marvin <thomas.marvin@bayer.com>
Sent: Tuesday, October 20, 2020 2:00 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Subject: RE: Courtesy copy

Below is the proposed revised T&C language (highlighted section is new). The revised label will be returned very soon (today).

Ex. 5 AC/AWP/DP

From: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Sent: Tuesday, October 20, 2020 1:43 PM
To: Thomas Marvin <thomas.marvin@bayer.com>; Goodis, Michael <Goodis.Michael@epa.gov>; Ed Messina <Messina.edward@epa.gov>
Subject: RE: Courtesy copy

Thank you.

Also expecting today:

- Revised T&C language on pH buffer per discussion with Alex yesterday
- Revised labels per our comments on Friday

From: Thomas Marvin <thomas.marvin@bayer.com>
Sent: Tuesday, October 20, 2020 8:57 AM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Subject: Courtesy copy

FYI on attached courtesy copy of a submission Bayer completed yesterday-- a copy of the former website that was developed for the 2018 registration, which will be updated as required to reflect the terms of any new registration.

Tom

Message

From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 10/13/2020 10:04:30 PM
To: Teter, Royan [Teter.Royan@epa.gov]
Subject: RE: Dicamba
Attachments: Xtendimax Label - 2018.pdf

Yes, sorry. We are stuck in a ridiculous situation with the timing on this one. In the future, we hope to have much more time to deal with this kind of thing, these timelines are next to completely impossible. Sorry to pass this situation on to you; I'd only ask that you comment if you feel you see something important.

I've attached a copy of the previously vacated label. What we were wondering about is located on page 7 (Record Requirements). We were requiring growers to record this information in case of incidents and investigations, but we're not sure if it helps at all or whether we should keep it. We probably will keep it for the most part, but could still edit it. We thought we should ask for your opinion as well, even though it is last second. Sorry again.

Don't spend too much time on this, just off the top of your head is fine.

Thanks,
Dan

From: Teter, Royan <Teter.Royan@epa.gov>
Sent: Tuesday, October 13, 2020 11:18 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Dicamba

Hi Dan – Indeed these are crazy times. Send me what you've got and at the very least, we'll take a look for gaps in enforceability. Is there anything we can do to get more lead time on these exercises, particularly during this time of heavy COVID workload?

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Tuesday, October 13, 2020 9:35 AM
To: Teter, Royan <Teter.Royan@epa.gov>
Subject: Dicamba

Hi Royan. I hope all is well with you, especially considering these crazy times.

I've got a question concerning dicamba and the new decision we're charged to roll out with very soon. There are reporting requirements on the labeling that were originally put there to 1) remind growers to follow ALL of the restrictions, and 2) to hopefully aid in incident/enforcement investigations. We were trying to revisit those reporting requirements to determine if they were helpful and, if so, if they should be revised at all. That raised the question of whether or not OECA may have a wish list for these requirements.

Is that something that OECA would like to weigh in on? If so, I can forward a copy of those requirements (they are on the previously accepted labels as well). Unfortunately, they want an exceptionally quick turnaround time for this decision (2 weeks from today), so we would need to know essentially right away if you do.

Thanks, and I hope you and the family are weathering the COVID storm!

Dan

Daniel Kenny, Chief
Herbicide Branch
Registration Division
Office of Pesticide Programs
U.S. Environmental Protection Agency

Message

From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 10/14/2020 9:27:40 PM
To: Crawford, Lydia [Crawford.Lydia@epa.gov]
Subject: RE: BLT

You are fast! Thank you Lydia!!

From: Crawford, Lydia <Crawford.Lydia@epa.gov>
Sent: Wednesday, October 14, 2020 5:17 PM
To: Corbin, Mark <Corbin.Mark@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Anderson, Brian <Anderson.Brian@epa.gov>; Kyle, Lee <Kyle.Lee@epa.gov>; Muela, Stephen <muela.stephen@epa.gov>
Subject: RE: BLT

Hi Mark,
Attached is the updated file.
Best,
Lydia

From: Corbin, Mark <Corbin.Mark@epa.gov>
Sent: Wednesday, October 14, 2020 4:08 PM
To: Crawford, Lydia <Crawford.Lydia@epa.gov>
Subject: RE: BLT

Yes. One tab for each of the products that will be registered this month. Xtendimax, Engenia and Tavium

Sounds like from Dan Fexapan will come in later

mark

From: Crawford, Lydia <Crawford.Lydia@epa.gov>
Sent: Wednesday, October 14, 2020 4:06 PM
To: Corbin, Mark <Corbin.Mark@epa.gov>
Subject: RE: BLT

Hey Mark,
That sounds good. To be clear, is the excel file you sent the old, 2018 information that now needs to be updated with the current 2020 info for registration and ESA?
Best,
Lydia

From: Corbin, Mark <Corbin.Mark@epa.gov>
Sent: Wednesday, October 14, 2020 3:40 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>
Cc: Anderson, Brian <Anderson.Brian@epa.gov>; Kyle, Lee <Kyle.Lee@epa.gov>; Muela, Stephen <muela.stephen@epa.gov>
Subject: RE: BLT

Thanks Meg

Lydia, I will find a few minutes early next week for you to meet with our folks who manage the Bulletins Live Two (BLT) system where restrictions specific to Endangered Species are managed. We can walk through what we need from RD in the short term and then how to engage with registrants before the BLT system gets updated

mark

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, October 14, 2020 3:33 PM
To: Corbin, Mark <Corbin.Mark@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Anderson, Brian <Anderson.Brian@epa.gov>; Kyle, Lee <Kyle.Lee@epa.gov>; Muela, Stephen <muela.stephen@epa.gov>
Subject: RE: BLT

Thanks Mark – Lydia Crawford will be the RD contact for this task.

- Meg

From: Corbin, Mark <Corbin.Mark@epa.gov>
Sent: Wednesday, October 14, 2020 7:49 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Anderson, Brian <Anderson.Brian@epa.gov>; Kyle, Lee <Kyle.Lee@epa.gov>; Muela, Stephen <muela.stephen@epa.gov>
Subject: RE: BLT

Meg

Two things need to happen. First, we need assistance from RD to get the metadata file I sent earlier updated. I have re-attached the previous document here. This is the document that EISB uses (I've cc'd Lee and Stephen from EISB) to update the BLT restrictions into the web-based service. The sooner we can get this populated the sooner we can start working with the BLT contractor get the updates queued up. (as a note we would need a new tab for Tavium).

The second thing is that last time we gave the registrants a preview of our BLT updates. Lee can correct me but I believe this entailed emailing them a series of files which included a powerpoint showing what restrictions will look like in the system, the metadata, and a geo-database of the updates.

Once that is done and the registration is granted I believe we typically get 15 days to get the updates into the BLT system. At least that is how that worked last time.

I don't think we need a discussion of this with the full team across all divisions but RD and EFED should discuss this.

Mark

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Tuesday, October 13, 2020 7:07 PM
To: Corbin, Mark <Corbin.Mark@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Anderson, Brian <Anderson.Brian@epa.gov>
Subject: RE: BLT

Hello Mark:

Sorry that this topic did not make it onto the dicamba team meeting agenda for today. Are there specific questions you would like me to ask the team/other divisions via email? What do you see as the next step in handling this aspect of the dicamba project?

- Meg

From: Corbin, Mark <Corbin.Mark@epa.gov>

Sent: Friday, October 09, 2020 1:35 PM

To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>

Cc: Anderson, Brian <Anderson.Brian@epa.gov>

Subject: BLT

Meg

Can we have a discussion with the team on Tuesday at the 1 pm meeting to talk about getting the BLT system previewed by the registrants and then ready for posting the BLT on the web?

thanks

Mark Corbin
Branch Chief, Environmental Risk Branch 6
Environmental Fate and Effects Division (7507P)
Office of Pesticide Programs
U.S. Environmental Protection Agency
Washington DC 20460
703-605-0033

Message

From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 10/27/2020 6:10:39 PM
To: Schmid, Emily [Schmid.Emily@epa.gov]
CC: Meadows, Sarah [Meadows.Sarah@epa.gov]
Subject: RE: Xtendimax
Attachments: Xtendimax Reg Notice - Signed.docx

Here you go... Three for three!!!

(That weird line is still there, but I'm not going to lose any sleep over it...)

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Tuesday, October 27, 2020 1:55 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: FW: Xtendimax

Hi Dan,

This one is okay to be signed. Sarah did the comparison. If you can sign it you don't need to worry about the line. I think I can take it out now.

Thanks,
Emily

From: Schmid, Emily
Sent: Tuesday, October 27, 2020 1:43 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: Xtendimax

Hi Dan,

Here is the one for Xtendimax if it turns out they didn't make any changes (Sarah is checking that because I got an error). I think the pagination is a little weird again but didn't want to mess with it since it would change when you sign it anyway. Also, I think the line is back so we might need Sarah to magically delete it again. What would we do without her?

Thanks,
Emily

Emily Schmid
Product Manager 25
Herbicide Branch
Registration Division, Office of Pesticide Programs
U.S. Environmental Protection Agency

Message

From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 9/30/2020 4:23:30 PM
To: Meadows, Sarah [Meadows.Sarah@epa.gov]
CC: Schmid, Emily [Schmid.Emily@epa.gov]
Subject: RE: Tavium amendment vs. 'New' products Xtendimax and Engenia
Attachments: Dicamba PPDC Updated Public One-Pager 9-30-2020 - Clean.docx

Yes, I could see how that would be really tricky. We can always make the play that we do the Bayer and BASF products first, and then we do the Syngenta as a me-too again. Who knows, maybe it will work. In the meantime, just do the best you can.

I'm attaching the PPDC draft I'm sending over a little later today. It's probably way over simplified for what you are writing, but I'll attach it just in case it gives you any idea on the wording. Until we decide if we need Syngenta in there, I wouldn't spend a ton of time on polishing that.

From: Meadows, Sarah <Meadows.Sarah@epa.gov>
Sent: Wednesday, September 30, 2020 12:06 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: Tavium amendment vs. 'New' products Xtendimax and Engenia

Hi, Dan. I just wanted to mention that I have been trying to word the proposed decision to describe that two of the products are new, and one of the products is scheduled to expire in December 2020 and is being extended. It's doable, but it reads pretty messy, and I think it could be cleaner and less confusing to have two documents.

Sarah True Meadows, PhD
US Environmental Protection Agency
Office of Pesticide Programs
Registration Division – Herbicide Branch
(703) 347-0505
meadows.sarah@epa.gov

Message

From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 10/1/2020 5:29:23 PM
To: Crawford, Lydia [Crawford.Lydia@epa.gov]; Meadows, Sarah [Meadows.Sarah@epa.gov]
CC: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Subject: FW: Rep. Guest and 30+ members Dicamba Registration Letter
Attachments: 20.09.30 DICAMBA REGISTRATION LETTER.pdf; 09 17 2020 - Dicamba - Chairman Peterson RM Conaway.pdf

FYI – I was wondering if there correspondences were starting to dry up, but I guess not quite yet.

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Thursday, October 01, 2020 1:25 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>
Subject: FW: Rep. Guest and 30+ members Dicamba Registration Letter

FYI

Michael L. Goodis, P.E.
Acting Deputy Director for Programs
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
703-308-8157

From: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Sent: Thursday, October 01, 2020 11:37 AM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Grable, Melissa <Grable.Melissa@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: Rep. Guest and 30+ members Dicamba Registration Letter

Heads up on a new Dicamba letter. We'll enter it into CMS and control to OCSPP. Similar to the 9/17 House Ag letter. Thanks,
Sven

Sven-Erik Kaiser
Office of Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
202-566-2753
kaiser.sven-erik@epa.gov

From: White, Bubba <Joseph.WhiteIII@mail.house.gov>
Sent: Wednesday, September 30, 2020 3:49 PM
To: Washam, Todd <Washam.Todd@epa.gov>
Cc: Kolb, John (JohnMark) <kolb.john@epa.gov>; Solomon, Maya <Maya.Solomon@mail.house.gov>
Subject: Dicamba Registration Letter

Todd,

Please see the attached bipartisan letter to Administrator Wheeler from 32 members of Congress encouraging the issuance off new registrations for four dicamba products: Engenia®, Xtendimax®, FeXapan®, and Tavium®. We also support issuance of these registrations quickly and in simple, clear, and understandable language so that producers can make herbicide and seed purchasing decisions ahead of the 2021 crop year.

Please let us know if you have any questions. A hard copy has been put in the mail.

Best,
Bubba



Bubba White

Legislative Assistant

Rep. Michael Guest (MS-03)

202.226.8289 – Office

202.981-3106 – Cell

230 Cannon HOB

Washington, DC 20515



Message

From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 8/4/2020 7:09:21 PM
To: Schmid, Emily [Schmid.Emily@epa.gov]
Subject: RE: Tavium Application

Good information to have, thanks Emily! That actually works out well in my mind. Thanks for looking that up.

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Tuesday, August 04, 2020 2:31 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Tavium Application

Hi Dan,

I checked in OPPIN for what code we used last time we extended the registrations for Engenia and Xtendimax and we did PRIA code R350.

Let me know if you need me to find out anything else.

Thanks,
Emily

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Tuesday, August 04, 2020 11:00 AM
To: Knorr, Michele <knorr.michele@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>
Subject: Tavium Application

Ex. 5 AC/AWP/DP

Also, sorry to pester you about this, but was there ever a final call on whether the Bayer and BASF applications should remain an R170 or change back to an R320?

Thanks for your help,
Dan

Daniel Kenny, Chief
Herbicide Branch
Registration Division
Office of Pesticide Programs
U.S. Environmental Protection Agency

Message

From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 8/13/2020 1:16:42 PM
To: George Sabbagh [george.sabbagh@bayer.com]
Subject: RE: Bayer CropScience VaporGrip Xtra White Paper Submission in Support of 2020 Registration of XtendiMax (264-RERN)

Great, thanks George, this is really helpful. Just to make sure, it looks like these are the studies that are pending with the VaporGrip Extra (VGX) mixed together. Do you also have a list of studies that were submitted this year just for the VaporGrip alone? I want to make sure we've got both. Also, how about studies that are not yet submitted?

Thanks again for your help with this exercise.

Dan

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Thursday, August 13, 2020 9:00 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: FW: Bayer CropScience VaporGrip Xtra White Paper Submission in Support of 2020 Registration of XtendiMax (264-RERN)

Hi Dan,

Here is the information that was provided last week to the Agency (and sent to Emily) regarding the list of studies submitted.

I tried yesterday to include a file (VGX....pdf) with a table summarizing the list of studies and spreadsheets with actual data (also provided to the Agency). It did not go through due to the size. I removed the data spreadsheets and I am sending just the text with the list. Emily received a link to download the file, and she should have that data.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Head Regulatory Engagements



Regulatory Engagement
Collaborating Across Organizations

////////////////////

Bayer US LLC
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291

E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Steven Callen <steven.callen@bayer.com>
Sent: Friday, August 7, 2020 2:13 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: Thomas Orr <thomas.orr@bayer.com>; George Sabbagh <george.sabbagh@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: Bayer CropScience VaporGrip Xtra White Paper Submission in Support of 2020 Registration of XtendiMax (264-RERN)

Good afternoon, Emily,

In support of the 2020 registration decision for XtendiMax® With VaporGrip® Technology (M1768 Herbicide), EPA Reg. No. 264-RERN, Bayer Crop Science (EPA Company Number 264) is providing here a courtesy copy of the 8570-1 form, cover letter, and white paper (MRID 51226701) summarizing the VaporGrip Xtra studies that were previously submitted to the Agency on or before May 1, 2020. These documents, along with others, were submitted earlier today through the electronic portal.

Please reach out to me or George Sabbagh if you have any questions or concerns.

Have a great weekend!

Sincerely,
Steven

Steven T. Callen, Ph.D.
Crop Protection Regulatory Manager
Broad Acre and Trait Uses

//////////

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Message

From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 8/10/2020 8:28:37 PM
To: Schmid, Emily [Schmid.Emily@epa.gov]
CC: Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Meadows, Sarah [Meadows.Sarah@epa.gov]
Subject: RE: Bayer CropScience VaporGrip Xtra White Paper Submission in Support of 2020 Registration of XtendiMax (264-RERN)

Is this a different white paper?

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Monday, August 10, 2020 4:09 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: FW: Bayer CropScience VaporGrip Xtra White Paper Submission in Support of 2020 Registration of XtendiMax (264-RERN)

Hi Dan,

Did you get this? Should this and the other white paper need to be beaned?

Thanks,
Emily

From: Steven Callen <steven.callen@bayer.com>
Sent: Friday, August 07, 2020 2:13 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: Thomas Orr <thomas.orr@bayer.com>; George Sabbagh <george.sabbagh@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: Bayer CropScience VaporGrip Xtra White Paper Submission in Support of 2020 Registration of XtendiMax (264-RERN)

Good afternoon, Emily,

In support of the 2020 registration decision for XtendiMax® With VaporGrip® Technology (M1768 Herbicide), EPA Reg. No. 264-RERN, Bayer Crop Science (EPA Company Number 264) is providing here a courtesy copy of the 8570-1 form, cover letter, and white paper (MRID 51226701) summarizing the VaporGrip Xtra studies that were previously submitted to the Agency on or before May 1, 2020. These documents, along with others, were submitted earlier today through the electronic portal.

Please reach out to me or George Sabbagh if you have any questions or concerns.

Have a great weekend!

Sincerely,
Steven

Steven T. Callen, Ph.D.

Crop Protection Regulatory Manager
Broad Acre and Trait Uses

//////////

Bayer U.S. – Crop Science
North America Crop Protection Regulatory Affairs
700 Chesterfield Parkway West
Mail Zone: FF4B
Chesterfield, MO 63017, USA
Tel: +1 (636) 737-1133
Cell: +1 (314) 302-9391
E-mail: steven.callen@bayer.com
Web: <http://www.bayer.com>

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Message

From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 8/31/2020 4:08:06 PM
To: Peck, Charles [Peck.Charles@epa.gov]
Subject: RE: BAS 183 35 H Humidome study

You bet.

From: Peck, Charles <Peck.Charles@epa.gov>
Sent: Monday, August 31, 2020 12:06 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>
Cc: Matuszko, Jan <Matuszko.Jan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>
Subject: RE: BAS 183 35 H Humidome study

Thanks Dan!

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Monday, August 31, 2020 12:03 PM
To: Peck, Charles <Peck.Charles@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>
Cc: Matuszko, Jan <Matuszko.Jan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>
Subject: RE: BAS 183 35 H Humidome study

Jeff Birk acknowledged that these are all good questions. Apparently, it is not **Ex. 4 CBI** that they are using, but rather **Ex. 4 CBI**. They claim that they are using a **Ex. 4 CBI** solution that is very readily commercially available, and plan to use their time in this week's technical discussion to give you more on the R&D of using this and answer your questions (because this involves some information that is still private/sensitive information, they are asking for a private meeting this week).

The rate to add the buffer would be at 4 fluid ounces per acre. If you'd like to have a quick phone call with him to nail down anything I missed or any new questions this might raise that you don't want to wait for the meeting for, we'll be happy to set something up.

I hope this helps,
Dan

From: Peck, Charles <Peck.Charles@epa.gov>
Sent: Monday, August 31, 2020 9:39 AM
To: Corbin, Mark <Corbin.Mark@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Matuszko, Jan <Matuszko.Jan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>
Subject: RE: BAS 183 35 H Humidome study

Hi Dan,

While this study looks at Engenia plus a buffering agent, the study uses a premixed product BAS 183 35 H, which is BAPMA dicamba and **Ex. 4 CBI**. Unlike the Xtendimax humidome study, I don't know the amount of the buffering agent being applied. In the Xtendimax trials, it was always 20 oz/A of the VGX, which is **Ex. 4 CBI** so I can figure out the amount being added to a tank.

So if we are to use this for Engenia, I need to know how much buffering agent per acre is being proposed and was it the same buffering agent that was used in their field studies – this would help me relate the humidome reductions to corresponding field reductions.

Chuck Peck
OPP/EFED/ERB VI
Potomac Yard South
Crystal City, VA
Room 10244
(703) 347-8064
peck.charles@epa.gov

From: Corbin, Mark <Corbin.Mark@epa.gov>
Sent: Monday, August 31, 2020 9:27 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>
Cc: Matuszko, Jan <Matuszko.Jan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>
Subject: RE: BAS 183 35 H Humidome study

I got that. My question is whether this is on the label we are doing our assessment on, or is this a new proposed label requirement?

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Monday, August 31, 2020 9:25 AM
To: Corbin, Mark <Corbin.Mark@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>
Cc: Matuszko, Jan <Matuszko.Jan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>
Subject: RE: BAS 183 35 H Humidome study

This is the BASF humidome study that they kept saying they were submitting that they but was always still two weeks away. This is for Engenia with BASF's pH-buffering agent.

From: Corbin, Mark <Corbin.Mark@epa.gov>
Sent: Monday, August 31, 2020 7:28 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>
Cc: Matuszko, Jan <Matuszko.Jan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>
Subject: RE: BAS 183 35 H Humidome study

Thanks Dan

Can you clarify for me whether this is for the action we are currently assessing? This seems to be a different action than the one we are assessing. Is the thinking on this that they will submit a new label for this to replace the current one.

Sorry if I am confused but I get mixed up on what label and product we are assessing now and how the BAS 183 35 H fits (same question as the VGX issue I guess)

Thanks

Mark

From: Kenny, Daniel <Kenny.Dan@epa.gov>

Sent: Friday, August 28, 2020 5:02 PM

To: Corbin, Mark <Corbin.Mark@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>

Cc: Matuszko, Jan <Matuszko.Jan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>

Subject: FW: BAS 183 35 H Humidome study

FYI – Here is the humidome study that BASF has been promising for so long. A formal copy is supposed to be submitted next week, but he emailed this courtesy copy to save time. They are asking also for a meeting next week to explain the study. Since time is short, and because they are asking for EPA and BASF attendees only, I'm checking to see how much time they actually will be asking for. We'll follow up on that request.

Thanks, and have a great weekend,
Dan

From: Jeffrey H Birk <jeffrey.birk@basf.com>

Sent: Friday, August 28, 2020 2:15 PM

To: Kenny, Daniel <Kenny.Dan@epa.gov>

Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; John Sedivy <john.sedivy@basf.com>

Subject: BAS 183 35 H Humidome study

Hello Dan,

I am glad to be able to send the final report for the BAS 183 35 H herbicide humidome study. This study will be submitted next week and I will provide the MRID at that time, but wanted to get this information to you today so you can distribute for EFED as needed.

Also, BASF would like to request a meeting with EPA (similar group to what we had on the calls this week) to go through this study results as well as discuss additional data in support of BASF's tank mix pH buffering product for use with Engenia and other dicamba products. We will send that additional information to you next Tuesday and would like to request a meeting for Wednesday if that is at all possible to go through a presentation and discussion of the data.

This meeting proposal for next week, will be between BASF and EPA only, and will include myself along with John Sedivy and Steve Bowe from BASF.

Thank you for a productive week and we look forward to being able to meet next week to discuss BASF's tank mix buffering product.

JEFFREY BIRK

Product Registration Manager

Phone: +1 919 547-2622, Mobile: +1-919-225-9220, Fax: +1 919 547-2850, Email: jeffrey.birk@basf.com

Postal Address: BASF Corporation, , 26 Davis Drive, 27709-3528 Research Triangle Park, United States



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Message

From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 5/18/2020 4:08:29 PM
To: opptankmixrequests [opptankmixrequests@epa.gov]
Subject: FW: Undertow Xdendimax tan-mix partner application
Attachments: 2020 Xtendimax Self Cert.pdf; 2020 AgXplore Undertow EPA Report.pdf

From: djanzen@agxplore.com <djanzen@agxplore.com>
Sent: Monday, May 18, 2020 11:59 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Ross Carter <rcarter@agxplore.com>; Brandon McMillan <bmcmillan@agxplore.com>; 'Jeff Golus' <jeff.golus@unl.edu>
Subject: Undertow Xdendimax tan-mix partner application

Dear Mr. Kenny

AgXplore International is seeking the inclusion of Undertow as tank-mix partners for Xtendimax herbicide. Please find attached the supporting research for our request.

Respectfully,

Dan Janzen
Director of Production Processes
AgXplore International
573-357-4506



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Message

From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 10/26/2020 9:16:14 PM
To: Schmid, Emily (Schmid.Emily@epa.gov) [Schmid.Emily@epa.gov]
Subject: FW: Draft Existing Stock Terms
Attachments: v2 A21472 (Tavium) Draft Terms Existing Products.docx

From: Garrison, Scott <Garrison.Scott@epa.gov>
Sent: Monday, October 26, 2020 3:15 PM
To: Knorr, Michele <knorr.michele@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Draft Existing Stock Terms

Confidential communication for internal deliberations only. Attorney-client privilege. Do not distribute outside U.S. Government.

My comments are attached. Looks good, very similar to Bayer 2018.

Scott Garrison
Pesticides and Toxic Substances Law Office (2333A)
Office of General Counsel
U.S. Environmental Protection Agency
202-564-4047
garrison.scott@epa.gov

From: Knorr, Michele <knorr.michele@epa.gov>
Sent: Monday, October 26, 2020 3:10 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Garrison, Scott <Garrison.Scott@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Re: Draft Existing Stock Terms

The existing stocks stuff needs to be cleared with Royan. It looks basically like the xtendimax one from years ago, but they need to weigh in on relabeling.

Michele Knorr
OGC
202-564-5631

On Oct 26, 2020, at 3:00 PM, Echeverria, Marietta <Echeverria.Marietta@epa.gov> wrote:

Michele/Scott – When we spoke to Syngenta this morning they raised an existing stocks issue since their product was not vacated. They are proposing the attached to be added specifically to their terms. Could one of you please advise on any concerns? Thank you.

Michele – Jan has some comments on the DM in ESA. Are you available for a quick call to go through that?

Other updates:

- We're talking to Bayer with Kimberly at 3:30 regarding the HRM
- We proposed back to bayer "...areas of bare ground from recent plowing or grading that is contiguous with the treated field."
- I think all other label issues are resolved. Of course we want Emily and the team to confirm.

From: Dixon Monty USGR <monty.dixon@syngenta.com>
Sent: Monday, October 26, 2020 2:37 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: Draft Existing Stock Terms

Hi Dan and Marietta,

Please replace earlier version with this version. The only changes in this (V2) version from the one sent at 1:17 are changing December 20 to December 21 in three spots to ensure continuity of dates. These were highlighted in green font.

Thanks
Monty

From: Dixon Monty USGR
Sent: Monday, October 26, 2020 1:17 PM
To: kenny.dan@epa.gov <kenny.dan@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: Draft Existing Stock Terms

Hi Dan and Marietta,

Thanks for the call this morning. As discussed, please find attached proposed terms to ensure clarity related to existing stocks. These were based upon the existing stocks provisions in the 2018 registration actions for Xtendimax and Engenia. The only changes with have made are company and product identity as well as updating dates to reflect the current 12/20/2020 expiration date on current products and the 12/20/2025. I have also indicated the registration date of 10/27/2020 under the expectation that is correct.

I have also prepared our label team for the final edits and will make those quickly once we see language Emily is working on. We have discussed the language around managed areas and rights of way and agree to adopt the language the we discussed this morning.

Thanks
Monty

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<v2 A21472 (Tavium) Draft Terms Existing Products.docx>

Message

From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 9/2/2020 9:22:47 PM
To: Tindall, Kelly [tindall.kelly@epa.gov]; Chism, William [Chism.Bill@epa.gov]; 'Becker, Jonathan' [becker.jonathan@epa.gov]; Wyatt, TJ [Wyatt.Tj@epa.gov]; Orlowski, John [Orlowski.John@epa.gov]; Kaul, Monisha [Kaul.Monisha@epa.gov]
CC: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Subject: RE: Talking Points for Mitigation Meetings Tomorrow
Attachments: Internal Talking Points for Bayer Mitigation Discussion - 9-3-2020 Rev.docx; Internal Talking Points for BASF Mitigation Discussion - 9-3-2020 Rev.docx

This time with attachments...

From: Kenny, Daniel
Sent: Wednesday, September 02, 2020 5:22 PM
To: Tindall, Kelly <tindall.kelly@epa.gov>; Chism, William <Chism.Bill@epa.gov>; Becker, Jonathan <becker.jonathan@epa.gov>; Wyatt, TJ <Wyatt.Tj@epa.gov>; Orlowski, John <Orlowski.John@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: Talking Points for Mitigation Meetings Tomorrow

Sorry folks, I thought we'd have time to solicit comments on this, but apparently not. If there is anything egregious on this, please let me know.

This is only for the FIFRA side of things, and we're obviously still waiting for more on ESA needs. Also, this is not supposed to be a comprehensive list of items, just high ticket items that get the conversation started.

From: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Sent: Wednesday, September 02, 2020 5:12 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Summary of Bayer's mitigation plan + BASF's letter

Absolutely share. I will also cc Kimberly when I send it up

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Wednesday, September 2, 2020 5:11 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Summary of Bayer's mitigation plan + BASF's letter

OK, sounds good. I would have liked to make this better if there was more time, but it is what it is.

Do you mind if I also share this with BEAD? I'll let them know that this is FYI and that we didn't have time to solicit comments.

From: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Sent: Wednesday, September 02, 2020 5:09 PM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Summary of Bayer's mitigation plan + BASF's letter

I don't have any comments. Once you address Dan's edit and send back I will forward to Ed/Alex. Thanks

From: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Sent: Wednesday, September 2, 2020 5:04 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Summary of Bayer's mitigation plan + BASF's letter

These looks good. My only editorial suggestion is that I think the "Goal" sentences should come first – followed by the related "proposed solution".

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Wednesday, September 2, 2020 4:47 PM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Summary of Bayer's mitigation plan + BASF's letter

Sorry for the delay everyone. Here is a draft for each company's meeting tomorrow. The draft talking points seem long at first glance, but I'm hoping they are simple and read through easily. However, I'm more than happy to have people comment.

From: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Sent: Wednesday, September 02, 2020 4:06 PM
To: Crawford, Lydia <Crawford.Lydia@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Summary of Bayer's mitigation plan + BASF's letter

One thought for the opening –	Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)	

From: Rosenblatt, Daniel
Sent: Wednesday, September 2, 2020 3:59 PM
To: Crawford, Lydia <Crawford.Lydia@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Summary of Bayer's mitigation plan + BASF's letter

Here's one with some editorial marks and suggestions. But obviously – change if you all don't agree or it's off.

From: Crawford, Lydia <Crawford.Lydia@epa.gov>
Sent: Wednesday, September 2, 2020 2:49 PM
To: Meadows, Sarah <Meadows.Sarah@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Summary of Bayer's mitigation plan + BASF's letter

Attached is a first draft of talking points for the mitigation meetings tomorrow.

From: Meadows, Sarah <Meadows.Sarah@epa.gov>
Sent: Wednesday, September 2, 2020 2:23 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Crawford, Lydia <Crawford.Lydia@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Summary of Bayer's mitigation plan + BASF's letter

I have attached a similar super brief summary of Bayer's proposal.

From: Meadows, Sarah
Sent: Wednesday, September 02, 2020 1:52 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Crawford, Lydia <Crawford.Lydia@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Summary of Bayer's mitigation plan + BASF's letter

Thanks, Meg. I have attached a very brief summary of BASF's proposal.

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, September 02, 2020 1:49 PM
To: Meadows, Sarah <Meadows.Sarah@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Crawford, Lydia <Crawford.Lydia@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: Summary of Bayer's mitigation plan + BASF's letter

Hello Sarah:

For your convenience, here is the BASF mitigation plan to summarize (attached).

Also, here is the summary of Bayer's mitigation proposal that I wrote a few weeks ago:

1. Mandating that XtendiMax be tank mixed with additional volatility-reduction agents and drift-reduction adjuvants.
2. Expanding XtendiMax's mandatory downwind drift buffers from 110 to 250 feet.
3. Changing the growth stage timing requirements for XtendiMax OTT applications over soybeans. Specifically, allowing applications only through soybean V4 vegetative stage. Note that the recently vacated labelling had a cutoff at the R1 reproductive stage.
4. Encouraging the use of shielded and hooded spray systems by allowing an exception to the expanded downwind buffer and narrowed application window on OTT soybean application for applicators who can employ appropriate shielded or hooded sprays systems.
5. General suggestions for increased label clarity, such as better using tables for specific crop use directions to improve readability.
6. ***NEW SINCE WHITE PAPER* Proposal for an OTT uses only label.**

Margaret Hathaway (Meg)

Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

Message

From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 8/14/2020 2:42:40 AM
To: George Sabbagh [george.sabbagh@bayer.com]
Subject: Re: List of studies submitted earlier this year.

Thanks George!

On Aug 13, 2020, at 7:35 PM, George Sabbagh <george.sabbagh@bayer.com> wrote:

Dan, The attachments (Data Matrix) lists studies that were submitted this year.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Head Regulatory Engagements
<image002.png>
////////////////

Bayer US LLC
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Thursday, August 13, 2020 2:07 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Bayer CropScience VaporGrip Xtra White Paper Submission in Support of 2020 Registration of XtendiMax (264-RERN)

I am checking with the reg. manager to get that information and will get back with you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Head Regulatory Engagements
<image003.png>
////////////////

Bayer US LLC
801 Pennsylvania Avenue, NW
Suite 745

Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Thursday, August 13, 2020 9:17 AM
To: George Sabbagh <george.sabbagh@bayer.com>
Subject: RE: Bayer CropScience VaporGrip Xtra White Paper Submission in Support of 2020 Registration of XtendiMax (264-RERN)

Great, thanks George, this is really helpful. Just to make sure, it looks like these are the studies that are pending with the VaporGrip Extra (VGX) mixed together. Do you also have a list of studies that were submitted this year just for the VaporGrip alone? I want to make sure we've got both. Also, how about studies that are not yet submitted?

Thanks again for your help with this exercise.

Dan

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Thursday, August 13, 2020 9:00 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: FW: Bayer CropScience VaporGrip Xtra White Paper Submission in Support of 2020 Registration of XtendiMax (264-RERN)

Hi Dan,

Here is the information that was provided last week to the Agency (and sent to Emily) regarding the list of studies submitted.

I tried yesterday to include a file (VGX....pdf) with a table summarizing the list of studies and spreadsheets with actual data (also provided to the Agency). It did not go through due to the size. I removed the data spreadsheets and I am sending just the text with the list. Emily received a link to download the file, and she should have that data.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Head Regulatory Engagements
<[image003.png](#)>
////////////////

Bayer US LLC
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com

Web: <http://www.bayercropscience.com>

From: Steven Callen <steven.callen@bayer.com>

Sent: Friday, August 7, 2020 2:13 PM

To: Schmid, Emily <Schmid.Emily@epa.gov>

Cc: Thomas Orr <thomas.orr@bayer.com>; George Sabbagh <george.sabbagh@bayer.com>;

BCSReg_Archive <esepamailbox@bayer.com>

Subject: Bayer CropScience VaporGrip Xtra White Paper Submission in Support of 2020 Registration of XtendiMax (264-RERN)

Good afternoon, Emily,

In support of the 2020 registration decision for XtendiMax® With VaporGrip® Technology (M1768 Herbicide), EPA Reg. No. 264-RERN, Bayer Crop Science (EPA Company Number 264) is providing here a courtesy copy of the 8570-1 form, cover letter, and white paper (MRID 51226701) summarizing the VaporGrip Xtra studies that were previously submitted to the Agency on or before May 1, 2020. These documents, along with others, were submitted earlier today through the electronic portal.

Please reach out to me or George Sabbagh if you have any questions or concerns.

Have a great weekend!

Sincerely,
Steven

Steven T. Callen, Ph.D.
Crop Protection Regulatory Manager
Broad Acre and Trait Uses

//////////

Bayer U.S. – Crop Science
North America Crop Protection Regulatory Affairs
700 Chesterfield Parkway West
Mail Zone: FF4B
Chesterfield, MO 63017, USA
Tel: +1 (636) 737-1133
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E-mail: steven.callen@bayer.com
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<8570-35_Data.Matrix.internal_RD1906.pdf>
<8570-35_Data.Matrix.internal_RD1912.pdf>
<8570-35_Data.Matrix.internal_RD1909.pdf>
<8570-35_Data.Matrix.internal_RD1904.pdf>

Message

From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 6/4/2020 8:49:30 PM
To: Meadows, Sarah [Meadows.Sarah@epa.gov]
CC: Schmid, Emily [Schmid.Emily@epa.gov]
Subject: RE: XtendiMax (524-617)

I think it would be a good idea. I think they'd appreciate it too.

From: Meadows, Sarah <Meadows.Sarah@epa.gov>
Sent: Thursday, June 04, 2020 4:44 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: FW: XtendiMax (524-617)

Hi, Dan. Should I forward this to the EFED team? It will not be helpful to them with no data, but I was thinking it couldn't hurt to share the update.

From: Thomas Orr <thomas.orr@bayer.com>
Sent: Thursday, June 04, 2020 1:46 PM
To: Meadows, Sarah <Meadows.Sarah@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Steven Callen <steven.callen@bayer.com>
Subject: XtendiMax (524-617)

Hi Sarah. I hope you are doing well. Please see below for an update on the ongoing oak tree study that is being conducted as part of the Conditions of Registration of the XtendiMax (524-617) registration. We are happy to discuss these results further with EPA if desired.

*As part of the 2018 XtendiMax conditions of registration, EPA requested additional studies to evaluate ecological effects of dicamba exposure to non-target plants, related to survival and growth of select sensitive tree/shrub/woody perennial species. The initial tier 1 screening study was conducted on five tree species—sycamore (*Platanus acerifolia*), apple (*Malus domestica*), cherry (*Prunus avium*), swamp cypress (*Taxodium distichum*) and red oak (*Quercus rubra*)—to evaluate the effect dicamba exposure on growth, plant development and morphology.*

The results of the tier 1 tree study confirmed that four tree species—sycamore, apple, cherry and swamp cypress—are less sensitive to dicamba than soybean (effects <25%) after exposure to dicamba at a rate of 0.000513 lb a.e./A under greenhouse conditions. For red oak, effects in the screening tier 1 study exceeded the 25% effect triggering a tier 2 study.

The dose-response tier 2 study was initiated April 2020. At the 14-d evaluation period, the control plants exhibited no phytotoxic symptoms; however, at the 28-d assessment some phytotoxicity was noted in the control trees (11 out of 20 replicates) with the observed symptomology including abnormal leaf development, chlorosis and necrosis. At the 45-d assessment, symptomology in the affected trees from the control group at 28 DAT increased slightly but no additional trees displayed symptomology. Due to the prevalence of the phytotoxicity in the water control group, the study is not considered valid and will require a repeat. Bayer has already begun acclimating new seedlings to greenhouse and the repeat study is expected to start in June.

Best regards,

Tom Orr
Broad Acre & Trait Use Lead

Crop Protection Regulatory Affairs

//////////

Bayer Crop Science
Monsanto Company
Regulatory Science
Building FF
Chesterfield, 63017, USA
Tel: +1 636-737-9347
Cell: +1 314-648-9653
E-mail: thomas.orr@bayer.com
Web: <http://www.bayer.com>

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Message

From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 6/4/2020 3:56:02 PM
To: Green, Jamie [Green.Jamie@epa.gov]; Wormell, Lance [Wormell.Lance@epa.gov]
Subject: RE: Dicamba registrations vacated

Hi Jamie. This is all brand new to us too, so we're still trying to flush out answers. We'll share with you as soon as we can.

Hang in there,
Dan

From: Green, Jamie <Green.Jamie@epa.gov>
Sent: Thursday, June 04, 2020 8:55 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Subject: FW: Dicamba registrations vacated
Importance: High

Any early read of the impact of this decision that can be shared internally or externally? I am sure I'll be getting some questions from the RA and others so any insights would be helpful.

From: Meyer, Gary [KDA] <Gary.Meyer@ks.gov>
Sent: Thursday, June 04, 2020 7:40 AM
To: Green, Jamie <Green.Jamie@epa.gov>; Taylor, Maren <taylor.maren@epa.gov>
Subject: FW: Dicamba registrations vacated
Importance: High

Jamie and Maren,
Where does this decision put us?
Gary

Gary D. Meyer, DVM, MPH, Program Manager
Kansas Department of Agriculture
Pesticide & Fertilizer Program
1320 Research Park Dr
Manhattan, KS 66502
(785) 564-6688
kda.pestfert@ks.gov
<http://agriculture.ks.gov/divisions-programs/pesticide-fertilizer>

From: Amy Sullivan <aapco.sfireg@gmail.com>
Sent: Thursday, June 4, 2020 6:14 AM
To: Amy Sullivan <aapco.sfireg@gmail.com>
Subject: Dicamba registrations vacated

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good morning,

Yesterday, June 3, 2020, the US Court of Appeals for the Ninth Circuit: 'We hold that the EPA's October 31, 2018, decision, and the conditional new-use registrations of XtendiMax, Engenia, and FeXapan for use on DT soybean and cotton that are premised on that decision, violate FIFRA.'

See the opinion here: <https://usrtk.org/wp-content/uploads/2020/06/Court-decision-on-dicamba.pdf>

The Below are some links to news stories.

<https://www.dtnpf.com/agriculture/web/ag/crops/article/2020/06/04/ninth-circuit-vacates-three-dicamba>

<https://www.agri-pulse.com/articles/13827-ninth-circuit-vacates-dicamba-registrations>

<https://www.bloombergquint.com/business/bayer-s-dicamba-registration-pulled-by-court-on-herbicide-s-risk>

Sincerely, Amy

Amy Sullivan

Executive Secretary

AAPCO-SFIREG

406-431-3176

<https://aapco.org>

<https://twitter.com/aapcoexecsec>

Message

From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 7/7/2020 1:16:19 PM
To: Schmid, Emily (Schmid.Emily@epa.gov) [Schmid.Emily@epa.gov]
CC: Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Meadows, Sarah [Meadows.Sarah@epa.gov]
Subject: FW: Bayer CropScience LP New Product Submission (R320): M1768 Herbicide (XtendiMax With VaporGrip Technology)
Attachments: 8570-1_Application.264-XXX_20200702.pdf; Cover letter_M1768_20200702.pdf

FYI

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Thursday, July 02, 2020 4:25 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: FW: Bayer CropScience LP New Product Submission (R320): M1768 Herbicide (XtendiMax With VaporGrip Technology)

Hi Dan, FYI. The application to register a new product was submitted today.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Tel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Steven Callen <steven.callen@bayer.com>
Sent: Thursday, July 2, 2020 4:15 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: Thomas Orr <thomas.orr@bayer.com>; George Sabbagh <george.sabbagh@bayer.com>
Subject: Bayer CropScience LP New Product Submission (R320): M1768 Herbicide (XtendiMax With VaporGrip Technology)

Hi Emily,

Bayer Crop Science (EPA Company Number 264) is providing here a courtesy copy of the 8570-1 form and cover letter that was submitted today through the electronic portal along with other documents for a new product registration for M1768 Herbicide (XtendiMax® With VaporGrip® Technology). The Package ID is **EP-844485** and the CDX confirmation

ED_005570D_00073601-00001

code is **CDX_2020_006920**. This was submitted under PRIA category R320, "New product; new physical form; requires data review in science divisions."

Please reach out to me or George Sabbagh if you have any questions or concerns.

Have a great long Independence Day weekend!

Sincerely,
Steven

Steven T. Callen, Ph.D.
Regulatory Affairs Manager

////////////////

Bayer U.S. – Crop Science
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Global Chemistry & Seed Regulatory Affairs
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E-mail: steven.callen@bayer.com
Web: <http://www.bayer.com>

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From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 10/26/2020 5:10:28 PM
To: Schmid, Emily (Schmid.Emily@epa.gov) [Schmid.Emily@epa.gov]
Subject: FW: Any ETA on outstanding documents for our review?
Attachments: Draft Terms of Registration - Bayer_edits.pdf

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Saturday, October 24, 2020 9:26 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Thomas Marvin <thomas.marvin@bayer.com>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Any ETA on outstanding documents for our review?

Hi Dan,

Attached please find the proposed registration terms document with Bayer edits included.

Please, reach out if you have questions or need additional information.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Head Regulatory Engagements



Regulatory Engagement
Collaborating Across Organizations

////////////////////

Bayer US LLC
801 Pennsylvania Avenue, NW
Suite 900
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Friday, October 23, 2020 8:46 PM
To: Thomas Marvin <thomas.marvin@bayer.com>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: George Sabbagh <george.sabbagh@bayer.com>; Schmid, Emily <Schmid.Emily@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Any ETA on outstanding documents for our review?

Hello Tom and George, please see the attached file. This file contains the draft registration terms for XtendiMax. Please review the terms and send us your concurrence as soon as you are able to. Please note that we may need to enter more specific information to indicate the passing results for some of the protocols that appear in the appendices. If there's anything you'd like to discuss, please let us know.

Thanks,
Dan

Daniel Kenny, Chief
Herbicide Branch
Registration Division
Office of Pesticide Programs
U.S. Environmental Protection Agency

From: Thomas Marvin <thomas.marvin@bayer.com>
Sent: Friday, October 23, 2020 7:18 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: Any ETA on outstanding documents for our review?

Thanks Dan.

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Friday, October 23, 2020 7:16 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Thomas Marvin <thomas.marvin@bayer.com>
Subject: RE: Any ETA on outstanding documents for our review?

Yes, still working on the registration terms and they will go out tonight. I'm having an issue with the label files, so it is possible that I may need to get help with those that could carry label comments into tomorrow morning.

From: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Sent: Friday, October 23, 2020 6:45 PM
To: Thomas Marvin <thomas.marvin@bayer.com>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Any ETA on outstanding documents for our review?

Dan is working on terms and labels. Dan, do you have an update?

From: Thomas Marvin <thomas.marvin@bayer.com>
Sent: Friday, October 23, 2020 6:44 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: Any ETA on outstanding documents for our review?

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Message

From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 5/6/2020 4:39:08 PM
To: Knorr, Michele [Knorr.Michele@epa.gov]
Subject: RE: Dicamba brief - need any comments by COB today - it is short

I should have known!

From: Knorr, Michele <knorr.michele@epa.gov>
Sent: Wednesday, May 06, 2020 12:38 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Dicamba brief - need any comments by COB today - it is short

Thanks. I did find that error earlier. :)

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Wednesday, May 06, 2020 12:37 PM
To: Knorr, Michele <knorr.michele@epa.gov>
Subject: RE: Dicamba brief - need any comments by COB today - it is short

Sure, it's so minor I was a little embarrassed to send it. I just added the "s" to change "inform" to "informs" in the bottom paragraph of page 3 (page 3 according to the page numbers on the document):

Although not required by FIFRA, EPA produced a "decision document" that articulated the underlying rationale for issuing the Xtendimax registration. The decision document informs the final disposition on the registration action. Those decision documents are *not* the registration and do *not* authorize the distribution or sale of the pesticide product; they merely explain EPA's analyses. So even when an EPA official signs a decision document, that document does not replace the actual issuance of a Notice of Registration or amendment letter (or change an existing license that authorizes sale

From: Knorr, Michele <knorr.michele@epa.gov>
Sent: Wednesday, May 06, 2020 12:32 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Dicamba brief - need any comments by COB today - it is short

I can't see the typo. Can you tell me what it is?

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Wednesday, May 06, 2020 12:18 PM
To: Knorr, Michele <knorr.michele@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Garrison, Scott <Garrison.Scott@epa.gov>
Subject: RE: Dicamba brief - need any comments by COB today - it is short

I have no additional comments (I did correct one extremely slight typo on page 5, numbered on the document as page 3, and added them to Mike's comment document - attached).

Thanks,
Dan

From: Knorr, Michele <knorr.michele@epa.gov>
Sent: Wednesday, May 06, 2020 11:54 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Garrison, Scott <Garrison.Scott@epa.gov>
Subject: RE: Dicamba brief - need any comments by COB today - it is short

Thanks for that catch!!

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Wednesday, May 06, 2020 11:28 AM
To: Knorr, Michele <knorr.michele@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Garrison, Scott <Garrison.Scott@epa.gov>
Subject: RE: Dicamba brief - need any comments by COB today - it is short

One date correction on top of page 8 which I noted in the attached.

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Knorr, Michele <knorr.michele@epa.gov>

Sent: Wednesday, May 06, 2020 8:25 AM

To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>

Cc: Garrison, Scott <Garrison.Scott@epa.gov>

Subject: Dicamba brief - need any comments by COB today - it is short

Importance: High

I'm sending this to a small group for a quick review as time is short and the issue is narrow. Let us know if you have any edits/comments by COB today. We need to compile any additional comments from you and our F.O. and provide them to DOJ tomorrow. The brief follows our recommendation to stick to the Xtendimax registration as the only registration directly in front of this court. Thanks in advance.

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

Message

From: Kenny, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BE9BB592F144269BCD41DD3A6D8A6D4-DANIEL C. KENNY]
Sent: 6/5/2020 9:07:29 PM
To: Overbey, Dian [Overbey.Dian@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: RE: Negative ruling of Ninth Circuit on 2,4-D expected soon

Hi Dian. This one is catching me off guard, because I actually thought we might win that one. What kind of information would be needed? Would it be similar to what's below (i.e., product names & registration numbers, crop uses, etc.)? Or something else?

Thanks,
Dan K

From: Overbey, Dian <Overbey.Dian@epa.gov>
Sent: Friday, June 05, 2020 11:35 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Subject: Negative ruling of Ninth Circuit on 2,4-D expected soon

Hi Dans,

I was told to draft a desk statement on 2,4-D (Enlist Duo) because a ruling is expected soon from the Ninth Circuit and they expect it to be negative. I don't have any information on the case to use except what is on the Center for Food Safety's website when the case was filed.

Do you have info to use to draft the statement?

Here's yesterday's (still unapproved) statement on the dicamba OTT vacatur yesterday. They want something similar on Enlist Duo.

EPA Responds to Ninth Circuit Vacatur of Dicamba Registrations

Ex. 5 Deliberative Process (DP)

EPA will provide further guidance in the future.

Dian D. Overbey
Communication Services Branch
Field and External Affairs Division
Office of Pesticide Programs
U.S. Environmental Protection Agency
Potomac Yard S-8927
(703) 305-5018 (O)
(571) 302-0764 (OC)

Message

From: Knorr, Michele [knorr.michele@epa.gov]
Sent: 7/15/2020 11:25:49 AM
To: Tindall, Kelly [tindall.kelly@epa.gov]; Meadows, Sarah [Meadows.Sarah@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Wagman, Michael [Wagman.Michael@epa.gov]; Metzger, Michael [Metzger.Michael@epa.gov]; Farruggia, Frank [Farruggia.Frank@epa.gov]; Wyatt, TJ [Wyatt.Tj@epa.gov]; Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Garrison, Scott [Garrison.Scott@epa.gov]; Knorr, Michele [knorr.michele@epa.gov]; Nguyen, Khue [Nguyen.Khue@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Odenkirchen, Edward [Odenkirchen.Edward@epa.gov]; O'Neill, Sandra [ONeill.Sandra@epa.gov]; Orlowski, John [Orlowski.John@epa.gov]; +1 (703) 475-8579 [+1 (703) 475-8579@epa.gov]; Overbey, Dian [Overbey.Dian@epa.gov]; Kaul, Monisha [Kaul.Monisha@epa.gov]; Appleyard, Moana [Appleyard.Moana@epa.gov]; Peck, Charles [Peck.Charles@epa.gov]; Kells, Bradley [kells.bradley@epa.gov]; Becker, Jonathan [Becker.Jonathan@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; Chism, William [Chism.Bill@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]; Matuszko, Jan [Matuszko.Jan@epa.gov]; Corbin, Mark [Corbin.Mark@epa.gov]
Subject: Conversation with +1 (703) 475-8579, Appleyard, Moana, Becker, Jonathan, Chism, William, Corbin, Mark, Echeverria, Marietta, Farruggia, Frank, Garrison, Scott, Hathaway, Margaret, Kaul, Monisha, Kells, Bradley, Kenny, Daniel, Matuszko, Jan, Meadows, Sa...

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What would be a typical timeline for a registration action like this?

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BEAD's reviewed the list closely and we have thoughts on what's possible

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note: there are states saying that incidents are coming AFTER (2-3 weeks after) cutoff dates. People still aren't complying. Maybe the incidents will decrease, but there will likely be some regardless of a cutoff dates.

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Sent: 7/14/2020 6:43:31 PM
To: Tindall, Kelly [tindall.kelly@epa.gov]; Meadows, Sarah [Meadows.Sarah@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Wagman, Michael [Wagman.Michael@epa.gov]; Metzger, Michael [Metzger.Michael@epa.gov]; Farruggia, Frank [Farruggia.Frank@epa.gov]; Wyatt, TJ [Wyatt.Tj@epa.gov]; Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Garrison, Scott [Garrison.Scott@epa.gov]; Knorr, Michele [knorr.michele@epa.gov]; Nguyen, Khue [Nguyen.Khue@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Odenkirchen, Edward [Odenkirchen.Edward@epa.gov]; O'Neill, Sandra [ONeill.Sandra@epa.gov]; Orlowski, John [Orlowski.John@epa.gov]; +1 (703) 475-8579 [+1 (703) 475-8579@epa.gov]; Overbey, Dian [Overbey.Dian@epa.gov]; Kaul, Monisha [Kaul.Monisha@epa.gov]; Appleyard, Moana [Appleyard.Moana@epa.gov]; Peck, Charles [Peck.Charles@epa.gov]; Kells, Bradley [kells.bradley@epa.gov]; Becker, Jonathan [Becker.Jonathan@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; Chism, William [Chism.Bill@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]; Matuszko, Jan [Matuszko.Jan@epa.gov]; Corbin, Mark [Corbin.Mark@epa.gov]
Subject: Dicamba Weekly Team Meeting

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Message

From: Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]
Sent: 5/21/2020 3:53:23 PM
To: Garrison, Scott [Garrison.Scott@epa.gov]; Knorr, Michele [Knorr.Michele@epa.gov]; O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]
CC: Grosko, Brett (ENRD) [Brett.Grosko@usdoj.gov]
Subject: RE: Dicamba - draft response

Thanks for catching that. I will file later today.

From: Garrison, Scott <Garrison.Scott@epa.gov>
Sent: Wednesday, May 20, 2020 6:30 PM
To: Knorr, Michele <knorr.michele@epa.gov>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; Buckley, Sarah (ENRD) <SBuckley@ENRD.USDOJ.GOV>
Cc: Grosko, Brett (ENRD) <BGrosko@ENRD.USDOJ.GOV>
Subject: RE: Dicamba - draft response

Confidential communication for internal deliberations only. Attorney-client privilege. Do not distribute outside EPA.

Looks good, but a couple things:

A grammar issue in footnote 2: "Petitioners never ~~seeking~~ sought to stay the registration, then unjustifiably sought to extend the relief beyond Xtendimax to pesticides never named in their petition, and now ask the Court..."

On page 6, I think we could make the point a little more clear like this: "But, in the absence of a registration, there is no license and no enforceable label setting out the terms for using ~~"existing stocks"~~the unregistered pesticide..." But it's up to you.

Scott Garrison
Pesticides and Toxic Substances Law Office (2333A)
Office of General Counsel
U.S. Environmental Protection Agency
202-564-4047
garrison.scott@epa.gov

From: Knorr, Michele <knorr.michele@epa.gov>
Sent: Wednesday, May 20, 2020 5:04 PM
To: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Garrison, Scott <Garrison.Scott@epa.gov>
Cc: Grosko, Brett (ENRD) <Brett.Grosko@usdoj.gov>
Subject: RE: Dicamba - draft response

I am good with this as well – nice job!

Scott – do you have any concerns?

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Sent: Wednesday, May 20, 2020 5:02 PM
To: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Knorr, Michele <knorr.michele@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>
Cc: Grosko, Brett (ENRD) <Brett.Grosko@usdoj.gov>
Subject: RE: Dicamba - draft response

This revised draft is fine with me. Thanks!

Jessica O'Donnell
Assistant Section Chief
Environmental Defense Section
202.305.0851

From: Buckley, Sarah (ENRD) <SBuckley@ENRD.USDOJ.GOV>
Sent: Wednesday, May 20, 2020 3:37 PM
To: Knorr, Michele <knorr.michele@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>
Cc: Grosko, Brett (ENRD) <BGrosko@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>
Subject: RE: Dicamba - draft response

Thanks, Michele. For the most part I have incorporated or adapted your comments. Please review the attached.

Our FO is not going to review so if I get the thumbs up from Jessica I will aim to file tomorrow. (Along with a brief motion for leave, which I will work on now...)

Thanks,
Sarah

From: Knorr, Michele <knorr.michele@epa.gov>
Sent: Wednesday, May 20, 2020 12:05 PM
To: Buckley, Sarah (ENRD) <SBuckley@ENRD.USDOJ.GOV>; Garrison, Scott <Garrison.Scott@epa.gov>
Cc: Grosko, Brett (ENRD) <BGrosko@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>
Subject: RE: Dicamba - draft response

Here are our edits and comments. Let us know if you want to discuss. Thanks

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Sent: Tuesday, May 19, 2020 2:13 PM
To: Knorr, Michele <knorr.michele@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>

Cc: Grosko, Brett (ENRD) <Brett.Grosko@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>

Subject: Dicamba - draft response

Hi Michele and Scott:

I attach a draft response. Take a look and let me know when you can get me comments back. I'm happy turn around another draft to send to your management tomorrow, or to wait for one draft with comments from you and the higher-ups. In either case, the sooner the better!

Thanks,
Sarah

Sarah A. Buckley

Trial Attorney

U.S. Department of Justice

Environment & Natural Resources Division

Environmental Defense Section

4 Constitution Square

150 M Street, NE

Room 4.1126

Washington, DC 20002

sarah.buckley@usdoj.gov

Ph: (202) 616-7554

Message

From: Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]
Sent: 4/29/2020 6:12:31 PM
To: Knorr, Michele [Knorr.Michele@epa.gov]; Garrison, Scott [Garrison.Scott@epa.gov]; Perlis, Robert [Perlis.Robert@epa.gov]; Koch, Erin [Koch.Erin@epa.gov]; O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]; Meghan Greenfield [Meghan.Greenfield@usdoj.gov]
CC: Grosko, Brett (ENRD) [Brett.Grosko@usdoj.gov]
Subject: FW: 19-70115 National Family Farm Coalition, et al v. USEPA, et al "Order Filed (From Chambers)"

Well, the Court identified the problem about what actions are under review. We have 14 days to respond with a brief addressing the scope of Petitioners' challenge.

Sarah

From: ca9_ecfnoticing@ca9.uscourts.gov <ca9_ecfnoticing@ca9.uscourts.gov>
Sent: Wednesday, April 29, 2020 2:08 PM
To: Buckley, Sarah (ENRD) <SBuckley@ENRD.USDOJ.GOV>
Subject: 19-70115 National Family Farm Coalition, et al v. USEPA, et al "Order Filed (From Chambers)"

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.

United States Court of Appeals for the Ninth Circuit

Notice of Docket Activity

The following transaction was entered on 04/29/2020 at 11:06:35 AM PDT and filed on 04/29/2020

Case Name: National Family Farm Coalition, et al v. USEPA, et al
Case Number: 19-70115
Document(s): Document(s)

Docket Text:

Filed order (MICHAEL DALY HAWKINS, M. MARGARET MCKEOWN and WILLIAM A. FLETCHER): On October 31, 2018, EPA signed a decision announcing that it "will be granting requests by Bayer CropScience (formerly Monsanto Company), Corteva (formerly DuPont), and BASF to amend their existing conditional registrations that contain expiration dates of November 9, 2018, and December 20, 2018, respectively." ER 3. Pursuant to this decision, EPA issued three conditional registrations. On November 1, 2018, EPA issued a conditional registration to Bayer CropScience for its "M1768 Herbicide" ["XtendiMax With VaporGrip Technology"]. ER 65, 81. On November 2, 2018, EPA issued a conditional registration to BASF for its "Engenia Herbicide." ER 167. On November 5, 2018, EPA issued a conditional registration to Corteva for its "DuPont FeXapan Herbicide." ER 121. In a petition to our Court, National Family Farm Coalition et al. challenged the decision of EPA. Petitioners' brief begins: "This petition seeks review of the October 31, 2018, decision by the United States Environmental Protection Agency (EPA) to continue the new

uses registrations of the pesticide dicamba on dicamba-resistant cotton and soybean. . . . Petitioners timely filed this petition for review.” Blue Brief at 1. Petitioners write further: “This case concerns a pesticide Intervenor Monsanto developed, ‘XtendiMax with VaporGrip Technology’ (XtendiMax), containing the weed-killing active ingredient dicamba. ER0003–4.” Id. at 2. They append a footnote to this sentence: “The registration also covers the competitor dicamba varieties approved by EPA for the same uses. ER0004–5, tbl.2; ER121–ER 0210. We use XtendiMax for simplicity.” Id. at 2, n.4. EPA writes in its brief: “Although not at issue here, EPA has issued registrations for two other dicamba products for the same uses, Engenia and FeXapan. EPA Reg. Nos. 7969-345 and 352-913. EPA’s 2018 registration action also amended the Engenia and FeXapan registrations.” Red Brief at 12–13, n.3. The parties thus appear to disagree as to the scope of the challenge before us. As we read the petitioners’ brief, they seek to challenge the entirety of the registration decision promulgated by the EPA on October 31, 2018, approving conditional registrations for post-emergent application of dicamba herbicides manufactured by Bayer CropScience, Corteva, and BASF. As we read EPA’s brief, it contends that petitioners’ challenge extends only to the conditional registration for post-emergent application of the dicamba herbicide manufactured by Bayer CropScience. The briefing now before this Court does little more than to indicate disagreement between the parties. The Court would be assisted by more sustained briefing on the scope of petitioners’ challenge. Within fourteen days of the issuance of this order, the parties, including Intervenor Bayer CropScience, are directed to provide simultaneous letter briefs addressing the scope of petitioners’ challenge. The briefs are to be no longer than ten pages of text, double-spaced, in size 14 font. [11675470] (AF)

Notice will be electronically mailed to:

Richard P. Bress, Attorney
Sarah A. Buckley, Trial Attorney
Jesse A. Buss
Mr. John Brett Grosko, Trial Attorney
Mr. George Andreas Kimbrell, Attorney
Jon Michael Lipshultz
Ms. Stephanie M. Parent, Attorney
Philip J. Perry, Attorney
Mr. Andrew Prins
Claire Tonry
Ms. Amy Luisa Van Saun, Staff Attorney
Stacey L. VanBelleghem
Ms. Sylvia Shih-Yau Wu, Attorney

Case participants listed below will not receive this electronic notice:

USEPA - Agency Representative
USEPA - U.S. ENVIRONMENTAL PROTECTION AGENCY
1101A
1200 Pennsylvania Ave., NW
Washington, DC 20460

The following document(s) are associated with this transaction:

Document Description: Main Document

Original Filename: 19-70115 NFF order supp briefing FILE.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1106763461 [Date=04/29/2020] [FileNumber=11675470-0]

[1e64957da47a386301b116927feb82229f135e7267b0edfc7b8c4dd444c2732ed06d6a96daafb0b00b2b647b9876
deeba55340eb8b8e198297f3f506e16428bb]]

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From: Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]
Sent: 4/29/2020 8:08:06 PM
To: Knorr, Michele [Knorr.Michele@epa.gov]; Garrison, Scott [Garrison.Scott@epa.gov]; Perlis, Robert [Perlis.Robert@epa.gov]; Koch, Erin [Koch.Erin@epa.gov]; O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]; Meghan Greenfield [Meghan.Greenfield@usdoj.gov]
CC: Grosko, Brett (ENRD) [Brett.Grosko@usdoj.gov]
Subject: RE: 19-70115 National Family Farm Coalition, et al v. USEPA, et al "Order Filed (From Chambers)"

Jessica is going to take the lead on drafting our response because I'm fully booked for the next two weeks. For my part, I would be available for a call tomorrow or Friday between 9 and 12.

Ex. 5 Attorney Client (AC)

Thanks,
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Should we get a call on the books? We can pull together our thoughts relatively quickly for a discussion. Let us know how you would like to proceed.

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202-564-5631

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Document(s): Document(s)

Docket Text:

Filed order (MICHAEL DALY HAWKINS, M. MARGARET MCKEOWN and WILLIAM A. FLETCHER): On October 31, 2018, EPA signed a decision announcing that it “will be granting requests by Bayer CropScience (formerly Monsanto Company), Corteva (formerly DuPont), and BASF to amend their existing conditional registrations that contain expiration dates of November 9, 2018, and December 20, 2018, respectively.” ER 3. Pursuant to this decision, EPA issued three conditional registrations. On November 1, 2018, EPA issued a conditional registration to Bayer CropScience for its “M1768 Herbicide” [“XtendiMax With VaporGrip Technology”]. ER 65, 81. On November 2, 2018, EPA issued a conditional registration to BASF for its “Engenia Herbicide.” ER 167. On November 5, 2018, EPA issued a conditional registration to Corteva for its “DuPont FeXapan Herbicide.” ER 121. In a petition to our Court, National Family Farm Coalition et al. challenged the decision of EPA. Petitioners’ brief begins: “This petition seeks review of the October 31, 2018, decision by the United States Environmental Protection Agency (EPA) to continue the new uses registrations of the pesticide dicamba on dicambaresistant cotton and soybean. . . . Petitioners timely filed this petition for review.” Blue Brief at 1. Petitioners write further: “This case concerns a pesticide Intervenor Monsanto developed, ‘XtendiMax with VaporGrip Technology’ (XtendiMax), containing the weed-killing active ingredient dicamba. ER0003–4.” Id. at 2. They append a footnote to this sentence: “The registration also covers the competitor dicamba varieties approved by EPA for the same uses. ER0004–5, tbl.2; ER121–ER 0210. We use XtendiMax for simplicity.” Id. at 2, n.4. EPA writes in its brief: “Although not at issue here, EPA has issued registrations for two other dicamba products for the same uses, Engenia and FeXapan. EPA Reg. Nos. 7969-345 and 352-913. EPA’s 2018 registration action also amended the Engenia and FeXapan registrations.” Red Brief at 12–13, n.3. The parties thus appear to disagree as to the scope of the challenge before us. As we read the petitioners’ brief, they seek to challenge the entirety of the registration decision promulgated by the EPA on October 31, 2018, approving conditional registrations for post-emergent application of dicamba herbicides manufactured by Bayer CropScience, Corteva, and BASF. As we read EPA’s brief, it contends that petitioners’ challenge extends only to the conditional registration for post-emergent application of

the dicamba herbicide manufactured by Bayer CropScience. The briefing now before this Court does little more than to indicate disagreement between the parties. The Court would be assisted by more sustained briefing on the scope of petitioners' challenge. Within fourteen days of the issuance of this order, the parties, including Intervenor Bayer CropScience, are directed to provide simultaneous letter briefs addressing the scope of petitioners' challenge. The briefs are to be no longer than ten pages of text, double-spaced, in size 14 font. [11675470] (AF)

Notice will be electronically mailed to:

Richard P. Bress, Attorney
Sarah A. Buckley, Trial Attorney
Jesse A. Buss
Mr. John Brett Grosko, Trial Attorney
Mr. George Andreas Kimbrell, Attorney
Jon Michael Lipshultz
Ms. Stephanie M. Parent, Attorney
Philip J. Perry, Attorney
Mr. Andrew Prins
Claire Tonry
Ms. Amy Luisa Van Saun, Staff Attorney
Stacey L. VanBelleghem
Ms. Sylvia Shih-Yau Wu, Attorney

Case participants listed below will not receive this electronic notice:

USEPA - Agency Representative
USEPA - U.S. ENVIRONMENTAL PROTECTION AGENCY
1101A
1200 Pennsylvania Ave., NW
Washington, DC 20460

The following document(s) are associated with this transaction:

Document Description: Main Document

Original Filename: 19-70115 NFF order supp briefing FILE.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1106763461 [Date=04/29/2020] [FileNumber=11675470-0]

[1e64957da47a386301b116927feb82229f135e7267b0edfc7b8c4dd444c2732ed06d6a96daafb0b00b2b647b9876
deeba55340eb8b8e198297f3f506e16428bb]]

Message

From: Meadows, Carrie Vicenta [Meadows.CarrieVicenta@epa.gov]
Sent: 6/7/2020 2:36:13 PM
To: Knorr, Michele [knorr.michele@epa.gov]
Subject: FW: Cotton Industry Concerns Regarding Dicamba Decision

From: Steve Hensley <shensley@cotton.org>
Sent: Thursday, June 4, 2020 5:45 PM
To: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>
Subject: Fw: Cotton Industry Concerns Regarding Dicamba Decision

All,

This was just sent to Administrator Wheeler.

Regards,

Steve.

From: Gary Adams <gadams@cotton.org>
Sent: Thursday, June 4, 2020 5:37 PM
To: Wheeler.Andrew@epa.gov <Wheeler.Andrew@epa.gov>
Cc: Gunasekara.Mandy@epa.gov <Gunasekara.Mandy@epa.gov>; Reece Langley <rlangley@cotton.org>; Steve Hensley <shensley@cotton.org>; Don Parker <dparker@cotton.org>; Bill Norman <bnorman@cotton.org>; Craig Brown <cbrown@cotton.org>
Subject: Cotton Industry Concerns Regarding Dicamba Decision

Dear Administrator Wheeler,

I am sure that you share the cotton industry's concerns regarding the recent decision by the three-judge panel of the 9th Circuit Court to vacate the registration of dicamba formulations Xtendimax, FeXapan, and Engenia herbicides previously approved for over-the-top use on dicamba-tolerant crops. The vacatur comes at the most inopportune time for producers as the majority of cotton acres are planted to dicamba-tolerant varieties. With crops having already emerged along with the emergence of multiple weed species, timely herbicide applications are now in serious jeopardy. Faced with a crisis of what, if any, effective weed-control options they have, producers face additional financial costs and uncertainty in terms of implementing a different weed management plan. Meanwhile, the weeds continue to grow, thus jeopardizing the ability to control the weeds with any product.

To address this unjustified court action, we urge EPA to immediately take action that would allow the use of existing stock of dicamba formulations or other administrative actions that would provide growers immediate ability to legally implement their weed control actions. Additionally, we would support EPA's appeal of the ruling to the full 9th Circuit panel.

Thank you for your attention to this critical issue. Our staff is available for discussion or questions.

Sincerely,
Gary Adams
President & CEO
National Cotton Council

Message

From: Goerke, Ariadne [Goerke.Ariadne@epa.gov]
Sent: 6/4/2020 6:13:20 PM
To: Knorr, Michele [knorr.michele@epa.gov]
Subject: FW: Edits to the press statement - see what you think

Is this ready to go back to OCSPP? A decision needs to be made as to who is sending to DOJ.

Ariadne Goerke
Acting Associate Deputy General Counsel
U.S. Environmental Protection Agency
202-564-5471 (office)
202-505-0535 (cell)

From: Garrison, Scott <Garrison.Scott@epa.gov>
Sent: Thursday, June 4, 2020 2:10 PM
To: Knorr, Michele <knorr.michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: RE: Edits to the press statement - see what you think

Confidential communication for internal deliberations only. Attorney-client privilege. Do not distribute outside U.S. Government.

In the first sentence, either "three of" or delete apostrophe-s after Agency.

Xtendimax with Vaporgrip Technology (EPA Reg. No. 524-617), Engenia – (EPA Reg. No. 7969-345), FeXapan – (EPA Reg. No. 352-913)

Scott Garrison
Pesticides and Toxic Substances Law Office (2333A)
Office of General Counsel
U.S. Environmental Protection Agency
202-564-4047
garrison.scott@epa.gov

From: Knorr, Michele <knorr.michele@epa.gov>
Sent: Thursday, June 04, 2020 2:01 PM
To: Koch, Erin <Koch.Erin@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: Edits to the press statement - see what you think

We need to send this to DOJ as well.

EPA Administrator Wheeler Responds to Ninth Circuit Vacatur of Dicamba Registrations

WASHINGTON—Yesterday, the U.S. Ninth Circuit Court of Appeals issued an order vacating three the U.S. Environmental Protection Agency's (EPA) registrations containing the active ingredient of dicamba (Xtendimax, Engenia, and FeXapan) [we need the registration numbers here], which is a valuable pest control tool for America's farmers. EPA Administrator Andrew Wheeler issued the following statement in response:

We are disappointed with the Court's decision and agree with the Court that this order will place a great

Ex. 5 AC/DP

Ex. 5 AC/DP

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

Message

From: Goerke, Ariadne [Goerke.Ariadne@epa.gov]
Sent: 6/4/2020 5:44:14 PM
To: Knorr, Michele [knorr.michele@epa.gov]
Subject: FW: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

You can just sent the comments back to OCSPP when you are ready.

Ariadne Goerke
Acting Associate Deputy General Counsel
U.S. Environmental Protection Agency
202-564-5471 (office)
202-505-0535 (cell)

From: Cole, Joseph E. <cole.josephe@epa.gov>
Sent: Thursday, June 4, 2020 1:40 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: RE: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

Allison is not on the call, so she may not be aware that we're discussing in this meeting. Michele is our lead and is in the discussion, I expect that she'll want to follow up from this meeting and look at Scott's comments and add anything else.

Joe

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Thursday, June 4, 2020 1:39 PM
To: Cole, Joseph E. <cole.josephe@epa.gov>
Cc: Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>
Subject: RE: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

OK, if they have changed approach and don't need this back immediately, that would be good to know.

Ariadne Goerke
Acting Associate Deputy General Counsel
U.S. Environmental Protection Agency
202-564-5471 (office)
202-505-0535 (cell)

From: Cole, Joseph E. <cole.josephe@epa.gov>
Sent: Thursday, June 4, 2020 1:37 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>
Subject: RE: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

Ariadne,

Other than Scott, the rest of us from PTSLO, and Kamila, are in a call with Alex right now and discussing this, so stand by.

Joe

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>

Sent: Thursday, June 4, 2020 1:36 PM

To: Garrison, Scott <Garrison.Scott@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>

Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>

Subject: RE: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

Thanks Scott!

Anyone else have edits? I plan to send back to OCSPP soon.

Alex wants this out by 3 pm and it needs to go the Administrator.

Should it also go to DOJ? It probably should go to DOJ at the same time OCSPP sends to the Administrator. Please advise.

Ariadne Goerke
Acting Associate Deputy General Counsel
U.S. Environmental Protection Agency
202-564-5471 (office)
202-505-0535 (cell)

From: Garrison, Scott <Garrison.Scott@epa.gov>

Sent: Thursday, June 4, 2020 1:32 PM

To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>

Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>

Subject: RE: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

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See my edits below. I'll look up the registration numbers and get them to you shortly.

Ex. 5 AC/DP

Ex. 5 AC/DP

Scott Garrison
Pesticides and Toxic Substances Law Office (2333A)
Office of General Counsel

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U.S. Environmental Protection Agency

202-564-4047

garrison.scott@epa.gov

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>

Sent: Thursday, June 04, 2020 12:58 PM

To: Cole, Joseph E. <cole.josephe@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>

Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>

Subject: FW: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

In trying to make this as efficient as possible, can the PTSLO team edit the statement below to add the registrations and any additional edits necessary, and send that to David and Kamila, ideally in the next 30 minutes?

Is there agreement this should be reviewed by DOJ? If so, I can send it to career OPA staff or David can send it to his counterparts. Please let me know.

Ariadne Goerke

Acting Associate Deputy General Counsel

U.S. Environmental Protection Agency

202-564-5471 (office)

202-505-0535 (cell)

From: Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>

Sent: Thursday, June 4, 2020 12:44 PM

To: Dennis, Allison <Dennis.Allison@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>

Cc: Bolen, Derrick <bolen.derrick@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>

Subject: RE: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

+ David & Michele

From: Dennis, Allison <Dennis.Allison@epa.gov>

Sent: Thursday, June 4, 2020 12:41 PM

To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>

Cc: Bolen, Derrick <bolen.derrick@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>

Subject: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

All- looking for your edits NLT 1:30 pm today. The Administrator will need to review. Will DOJ need to review as well? -Allison

EPA Administrator Wheeler Responds to Ninth Circuit Vacatur of Dicamba Registrations

WASHINGTON—Yesterday, the U.S. Ninth Circuit Court of Appeals issued an order vacating the U.S. Environmental Protection Agency's (EPA) registration of dicamba, which is a valuable pest control tool for America's farmers. EPA Administrator Andrew Wheeler issued the following statement in response:

We are disappointed with the Court's decision and agree with the Court that this order will place a great

Ex. 5 AC/DP

Ex. 5 AC/DP

Allison Dennis
Communications Director
Office of Chemical Safety and Pollution Prevention
Desk: (202) 564-1985; Cell: (202) 257-5629
Follow OCSPP on Twitter: @EPACChemSafety

Message

From: Dennis, Allison [Dennis.Allison@epa.gov]
Sent: 6/4/2020 7:03:48 PM
To: Knorr, Michele [knorr.michele@epa.gov]
Subject: Re: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

Opa will have edits

Sent from my iPhone

On Jun 4, 2020, at 2:54 PM, Knorr, Michele <knorr.michele@epa.gov> wrote:

I'm trying. I told them we wanted to get this out by 4.

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Dennis, Allison <Dennis.Allison@epa.gov>
Sent: Thursday, June 04, 2020 2:54 PM
To: Knorr, Michele <knorr.michele@epa.gov>
Subject: RE: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

Is it possible to get their feedback NLT 3:30 or sooner? We really want to get this out the door as soon as possible.

From: Knorr, Michele <knorr.michele@epa.gov>
Sent: Thursday, June 04, 2020 2:53 PM
To: Dennis, Allison <Dennis.Allison@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>
Cc: Keigwin, Richard <Keigwin.Richard@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>
Subject: RE: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

I sent it along to DOJ.

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Dennis, Allison <Dennis.Allison@epa.gov>
Sent: Thursday, June 04, 2020 2:45 PM
To: Knorr, Michele <knorr.michele@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>
Cc: Keigwin, Richard <Keigwin.Richard@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>;
Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>;
Bolen, Derrick <bolen.derrick@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Fotouhi, David
<Fotouhi.David@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>
Subject: RE: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

Here you go:

EPA Responds to Ninth Circuit Vacatur of Dicamba Registrations

WASHINGTON—Yesterday, the U.S. Ninth Circuit Court of Appeals issued an order vacating three of U.S. Environmental Protection Agency's (EPA) registrations containing the active ingredient dicamba (Xtendimax with Vaporgrip Technology (EPA Reg. No. 524-617), Engenia – (EPA Reg. No. 7969-345), FeXapan – (EPA Reg. No. 352-913), which is a valuable pest control tool for America's farmers. EPA has released the following statement in response:

We are disappointed with the decision and agree with the Court that this order will place a great hardship on America's farmers, especially with the 2020 growing season well underway.

Ex. 5 AC/DP

From: Knorr, Michele <knorr.michele@epa.gov>
Sent: Thursday, June 04, 2020 2:42 PM
To: Dennis, Allison <Dennis.Allison@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>
Cc: Keigwin, Richard <Keigwin.Richard@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>;
Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>;
Bolen, Derrick <bolen.derrick@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Fotouhi, David
<Fotouhi.David@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>
Subject: RE: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

Allison – please send me a clean version that I can send to DOJ. Thanks

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Dennis, Allison <Dennis.Allison@epa.gov>
Sent: Thursday, June 04, 2020 2:41 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>
Cc: Knorr, Michele <knorr.michele@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Bolen, Derrick

<bolen.derrick@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Fotouhi, David
<Fotouhi.David@epa.gov>

Subject: RE: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

Got it. We will issue as statement from EPA. I'll accept these edits move them on to OPA as we await any edits from DOJ litigation team

From: Dunn, Alexandra <dunn.alexandra@epa.gov>

Sent: Thursday, June 04, 2020 2:38 PM

To: Dennis, Allison <Dennis.Allison@epa.gov>

Cc: Knorr, Michele <knorr.michele@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>

Subject: Re: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

Please do not attribute the statement to administrator wheeler right now

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, DC

Sent from my iPhone

On Jun 4, 2020, at 2:02 PM, Dennis, Allison <Dennis.Allison@epa.gov> wrote:

Perfect. Here's a clean version taking into account Alex's edits:

EPA Administrator Wheeler Responds to Ninth Circuit Vacatur of Three Dicamba Registrations

WASHINGTON—Yesterday, the U.S. Ninth Circuit Court of Appeals issued an order vacating the U.S. Environmental Protection Agency's (EPA) registration of dicamba, which is a valuable pest control tool for America's farmers. EPA Administrator Andrew Wheeler issued the following statement in response:

We are disappointed with the Court's decision and agree with the Court that this order will place a great hardship on America's farmers, especially as we enter the 2020 growing season.

Ex. 5 AC/DP

From: Knorr, Michele <knorr.michele@epa.gov>
Sent: Thursday, June 04, 2020 1:59 PM
To: Dennis, Allison <Dennis.Allison@epa.gov>
Cc: Keigwin, Richard <Keigwin.Richard@epa.gov>; Lis-Coghlan, Kamila <liscoghlan.kamila@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>
Subject: Re: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

We are working on our edits right now.

Michele Knorr
OGC
202-564-5631

On Jun 4, 2020, at 1:55 PM, Dennis, Allison <Dennis.Allison@epa.gov> wrote:

+ Alex

Here's the revised version below (see highlight). **OGC/Carrie**- any additional edits before I move this on to Alex? Reminder: We are trying to get this statement out NLT 3 pm today. -Allison

EPA Administrator Wheeler Responds to Ninth Circuit Vacatur of Three Dicamba Registrations

WASHINGTON—Yesterday, the U.S. Ninth Circuit Court of Appeals issued an order vacating the U.S. Environmental Protection Agency's (EPA) registration of dicamba, which is a valuable pest control tool for America's farmers. EPA Administrator Andrew Wheeler issued the following statement in response:

We are disappointed with the Court's decision and agree with the Court that this order will place a great hardship on America's farmers, especially as we enter the 2020 growing season.

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Thursday, June 04, 2020 12:54 PM
To: Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>
Cc: Bolen, Derrick <bolen.derrick@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

We probably need to be more specific about which dicamba registrations we mean, since there are a few hundred registered products containing dicamba. I don't believe the Court's decision impacts ALL dicamba registrations. Rather, it directly impacts the registrations for 3 of the 4 products with the "over-the-top" uses on their labels.

From: Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>
Sent: Thursday, June 04, 2020 12:44 PM
To: Dennis, Allison <Dennis.Allison@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>
Cc: Bolen, Derrick <bolen.derrick@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

+ David & Michele

From: Dennis, Allison <Dennis.Allison@epa.gov>
Sent: Thursday, June 4, 2020 12:41 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>
Cc: Bolen, Derrick <bolen.derrick@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

All- looking for your edits NLT 1:30 pm today. The Administrator will need to review. Will DOJ need to review as well? -Allison

EPA Administrator Wheeler Responds to Ninth Circuit Vacatur of Dicamba Registrations

WASHINGTON—Yesterday, the U.S. Ninth Circuit Court of Appeals issued an order vacating the U.S. Environmental Protection Agency's (EPA) registration of dicamba, which is a valuable pest control tool for America's farmers. EPA Administrator Andrew Wheeler issued the following statement in response:

We are disappointed with the Court's decision and agree with the Court that this order will place a great hardship on America's farmers, especially as we enter the 2020 growing season.

Ex. 5 AC/DP

Allison Dennis
Communications Director
Office of Chemical Safety and Pollution Prevention
Desk: (202) 564-1985; Cell: (202) 257-5629
Follow OCSPP on Twitter: @EPACChemSafety

Message

From: Hauff, Amanda [Hauff.Amanda@epa.gov]
Sent: 10/27/2020 10:15:19 PM
Subject: Pesticide Program Update: EPA Announces 2020 Dicamba Registration Decision

Importance: High

Please share with you networks. Thank you!

Today, EPA announced the approval of new registrations for two "over the top" (OTT) dicamba products and extension of the registration for an additional OTT dicamba product. All three registrations include stringent control measures to protect the environment, including non-target plants, animals, and other crops not tolerant to dicamba. These registrations are only for use on dicamba-tolerant (DT) cotton and DT soybeans and will expire in 2025.

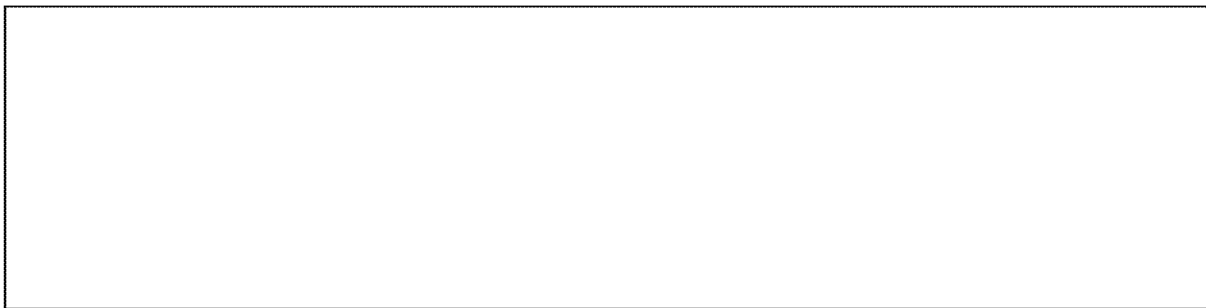
To manage off-site movement of dicamba, EPA's 2020 registration features important control measures. Some of these new control measures include:

- A downwind buffer of 240 feet will be required and 310 feet in areas where listed species are located.
- Prohibiting OTT application of dicamba on soybeans after June 30 and cotton after July 30.

Please see additional information available in the press release below.

From: U.S. EPA Office of Chemical Safety and Pollution Prevention <oppt.epa@public.govdelivery.com>
Sent: Tuesday, October 27, 2020 6:10 PM
To: Hauff, Amanda <Hauff.Amanda@epa.gov>
Subject: Pesticide Program Update: EPA Announces 2020 Dicamba Registration Decision

Having trouble viewing this email? [View it as a Web page.](#)



EPA Announces 2020 Dicamba Registration Decision

Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler announced that EPA is approving new five-year registrations for two dicamba products and extending the registration of an additional dicamba product. All three registrations include new control measures to ensure these products can be used effectively while protecting the environment, including non-target plants, animals, and other crops not tolerant to dicamba.

“With today’s decision, farmers now have the certainty they need to make plans for their 2021 growing season,” **said EPA Administrator Andrew Wheeler.** “After reviewing substantial amounts of new information, conducting scientific assessments based on the best available science, and carefully considering input from stakeholders we have reached a resolution that is good for our farmers and our environment.”

Through today’s action, EPA approved new registrations for two “over-the-top” (OTT) dicamba products—XtendiMax with VaporGrip Technology and Engenia Herbicide—and extended the registration for an additional OTT dicamba product, Tavium Plus VaporGrip Technology. These registrations are only for use on dicamba-tolerant (DT) cotton and soybeans and will expire in 2025, providing certainty to American agriculture for the upcoming growing season and beyond.

To manage off-site movement of dicamba, EPA’s 2020 registration features important control measures, including:

- Requiring an approved pH-buffering agent (also called a Volatility Reduction Agent or VRA) be tank mixed with OTT dicamba products prior to all applications to control volatility.
- Requiring a downwind buffer of 240 feet and 310 feet in areas where listed species are located.
- Prohibiting OTT application of dicamba on soybeans after June 30 and cotton after July 30.
- Simplifying the label and use directions so that growers can more easily determine when and how to properly apply dicamba.

The 2020 registration labels also provide new flexibilities for growers and states. For example, there are opportunities for growers to reduce the downwind spray buffer for soybeans through use of certain approved hooded sprayers as an alternative control method. EPA also recognizes and supports the important authority [FIFRA section 24](#) gives the states for issuing locally appropriate regulations for pesticide use. If a state wishes to expand the federal OTT uses of dicamba to better meet special local needs, the agency will work with them to support their goals.


This action was informed by input from state regulators, grower groups, academic researchers, pesticide manufacturers, and others. EPA reviewed substantial amounts of new information and conducted assessments based on the best available science, including making Effect Determinations under the Endangered Species Act (ESA). With this information and input, EPA has concluded that these registration actions meet Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) registration standards. EPA believes that these new analyses address the concerns expressed in regard to EPA’s 2018 dicamba registrations in the June 2020 U.S. Court of Appeals for the Ninth Circuit. Further, EPA concluded that with the control measures now required on labels, these actions either do not affect or are not likely to adversely affect endangered or threatened species.

To view the final registration of the dicamba products, visit docket EPA-HQ-OPP-2020-0492 at www.regulations.gov.

Background

The United States is the world's leading soybean producer and second-leading soybean exporter and also serves as the world's third-largest cotton producer and the leading cotton exporter. Today, there are limited cost-effective options to control herbicide-resistant weeds affecting these commodities. In 2018, approximately 41 percent of U.S. soybean acreage was planted with dicamba-tolerant (DT) seed and almost 70 percent of U.S. cotton acreage was planted with DT seed in 2019. Relative to alternative herbicide programs, postemergence dicamba may reduce weed control costs for some growers, possibly by as much as \$10 per acre, or over five percent of net operating revenue, not accounting for all measures growers will have to take to control off-field movement of dicamba.

Following reports of damage resulting from the off-site movement of dicamba, EPA amended the dicamba registration labels in 2017 and in 2018. In June 2020, the U.S. Court of Appeals for the Ninth Circuit vacated the registrations for three dicamba products: XtendiMax with VaporGrip Technology, Engenia Herbicide, and DuPont FeXapan Herbicide. As a result of the Court's decision, EPA issued cancellation orders outlining limited circumstances under which existing stocks of the three affected products could be distributed and used until July 31, 2020.

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This email was sent to hauff.amanda@epa.gov using GovDelivery Communications Cloud on behalf of: U.S. EPA Office of Chemical Safety and Pollution Prevention - 707 17th St, Suite 4000 - Denver, CO 80202 - 1-800-439-1420

Message

From: Lis-Coghlan, Kamila [lis-coghlan.kamila@epa.gov]
Sent: 7/27/2020 4:50:54 PM
To: Knorr, Michele [knorr.michele@epa.gov]
Subject: RE: FYI -- Bayer paper on dicamba + highlights from the document

No worries 😊

From: Knorr, Michele <knorr.michele@epa.gov>
Sent: Monday, July 27, 2020 12:21 PM
To: Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>
Subject: RE: FYI -- Bayer paper on dicamba + highlights from the document

Thanks for the addition. I never know what to do in these situations. He gets so many emails. I appreciate you being my decision maker on this. :)

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>
Sent: Monday, July 27, 2020 12:18 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Becker, Jonathan <Becker.Jonathan@epa.gov>; Chism, William <Chism.Bill@epa.gov>; Kells, Bradley <kells.bradley@epa.gov>; Kiely, Timothy <Kiely.Timothy@epa.gov>; Orlowski, John <Orlowski.John@epa.gov>; Wyatt, TJ <Wyatt.TJ@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>; Dobreniecki, Sarah <Dobreniecki.Sarah@epa.gov>; Jones, Erin <jones.erin@epa.gov>; Miller, David <Miller.DavidJ@epa.gov>
Cc: Dunn, Alexandra <dunn.alexandra@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fischer, David <Fischer.David@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Wagman, Michael <Wagman.Michael@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Tindall, Kelly <tindall.kelly@epa.gov>; Anderson, Brian <Anderson.Brian@epa.gov>; Metzger, Michael <Metzger.Michael@epa.gov>; Lowe, Kelly <Lowe.Kelly@epa.gov>; Vogel, Dana <Vogel.Dana@epa.gov>; Appleyard, Moana <Appleyard.Moana@epa.gov>; Britton, Cathryn <Britton.Cathryn@epa.gov>; Nguyen, Khue <Nguyen.Khue@epa.gov>; Greene, Tylar <Greene.Tylar@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Hernandez, Connie <Hernandez.Connie@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>; Motilall, Christina <Motilall.Christina@epa.gov>; O'Neill, Sandra <O'Neill.Sandra@epa.gov>; Overbey, Dian <Overbey.Dian@epa.gov>; Schroeder, Carolyn <Schroeder.Carolyn@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Subject: RE: FYI -- Bayer paper on dicamba + highlights from the document

adding David Fotouhi

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Sent: Monday, July 27, 2020 12:10 PM

To: Kenny, Daniel <Kenny.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Becker, Jonathan <Becker.Jonathan@epa.gov>; Chism, William <Chism.Bill@epa.gov>; Kells, Bradley <kells.bradley@epa.gov>; Kiely, Timothy <Kiely.Timothy@epa.gov>; Orlowski, John <Orlowski.John@epa.gov>; Wyatt, TJ <Wyatt.TJ@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>; Dobreniecki, Sarah <Dobreniecki.Sarah@epa.gov>; Jones, Erin <jones.erin@epa.gov>; Miller, David <Miller.David@epa.gov>

Cc: Dunn, Alexandra <dunn.alexandra@epa.gov>; Miller, Robert <Miller.Robert@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Fischer, David <Fischer.David@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Wagman, Michael <Wagman.Michael@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Tindall, Kelly <tindall.kelly@epa.gov>; Anderson, Brian <Anderson.Brian@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Metzger, Michael <Metzger.Michael@epa.gov>; Lowe, Kelly <Lowe.Kelly@epa.gov>; Vogel, Dana <Vogel.Dana@epa.gov>; Appleyard, Moana <Appleyard.Moana@epa.gov>; Britton, Cathryn <Britton.Cathryn@epa.gov>; Nguyen, Khue <Nguyen.Khue@epa.gov>; Greene, Tylar <Greene.Tylar@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Hernandez, Connie <Hernandez.Connie@epa.gov>; Lantz, Tracy <Lantz.Tracy@epa.gov>; Motilall, Christina <Motilall.Christina@epa.gov>; O'Neill, Sandra <ONeill.Sandra@epa.gov>; Overbey, Dian <Overbey.Dian@epa.gov>; Schroeder, Carolyn <Schroeder.Carolyn@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>

Subject: FW: FYI -- Bayer paper on dicamba + highlights from the document

Hello Everyone:

FYI, the white paper from Bayer that was mentioned at last week's OPP dicamba team meeting has now arrived and is going through front-end processing. A courtesy copy of Bayer's document is attached.

This is hot off the presses, but on a first read, my summary of Bayer's suggested mitigation plan to EPA for a new XtendiMax registration is as follows:

1. Mandating that XtendiMax be tank mixed with additional volatility-reduction agents and drift-reduction adjuvants.
2. Expanding XtendiMax's mandatory downwind drift buffers from 110 to 250 feet.
3. Changing the growth stage timing requirements for XtendiMax OTT applications over soybeans. Specifically, allowing applications only through soybean V4 vegetative stage. Note that the recently vacated labelling had a cutoff at the R1 reproductive stage.
4. Encouraging the use of shielded and hooded spray systems by allowing an exception to the expanded downwind buffer and narrowed application window on OTT soybean application for applicators who can employ appropriate shielded or hooded sprays systems.
5. General suggestions for increased label clarity, such as better using tables for specific crop use directions to improve readability.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov

From: Knorr, Michele <knorr.michele@epa.gov>

Sent: Monday, July 27, 2020 11:03 AM

To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Fischer, David <Fischer.David@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Wagman, Michael <Wagman.Michael@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Tindall, Kelly <tindall.kelly@epa.gov>; Anderson, Brian <Anderson.Brian@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Metzger, Michael <Metzger.Michael@epa.gov>; Lowe, Kelly <Lowe.Kelly@epa.gov>; Vogel, Dana <Vogel.Dana@epa.gov>

Cc: Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Lis-Coghan, Kamila <lis-coghan.kamila@epa.gov>

Subject: FW: FYI -- Bayer paper on dicamba

Here is the white paper. Hopefully, this will get through the portal quickly, but I wanted to make sure you have it now. Feel free to share with others.

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Philip.Perry@lw.com <Philip.Perry@lw.com>

Sent: Friday, July 24, 2020 6:04 PM

To: Knorr, Michele <knorr.michele@epa.gov>

Subject: FYI -- Submission through Electronic Portal this evening.

FYI: Have a great weekend.

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Message

From: O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]
Sent: 6/9/2020 12:09:25 AM
To: Knorr, Michele [knorr.michele@epa.gov]
Subject: Re: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

You're welcome.

Sent from my iPhone

On Jun 8, 2020, at 7:41 PM, Knorr, Michele <knorr.michele@epa.gov> wrote:

FYI order signed. Press out. Thanks for everything!

Michele Knorr
OGC
202-564-5631

Begin forwarded message:

FYI

Begin forwarded message:

From: EPA Press Office <press@epa.gov>
Date: June 8, 2020 at 7:26:49 PM EDT
To: "Dunn, Alexandra" <dunn.alexandra@epa.gov>
Subject: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations
Reply-To: press@epa.gov

EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

WASHINGTON (June 8, 2020) — Today, the U.S. Environmental Protection Agency (EPA) issued a key order providing farmers with needed clarity following the Ninth Circuit Court of Appeals' June 3, 2020 vacatur of three dicamba registrations. Today's [cancellation order](#) outlines limited and specific circumstances under which existing stocks of the three affected dicamba products can be used for a limited period of time. EPA's order will advance protection of public health and the environment by ensuring use of existing stocks follows important application procedures.

"At the height of the growing season, the Court's decision has threatened the livelihood of our nation's farmers and the global food supply," said **EPA Administrator Andrew Wheeler**. "Today's cancellation and existing stocks order is consistent with EPA's

standard practice following registration invalidation, and is designed to advance compliance, ensure regulatory certainty, and to prevent the misuse of existing stocks.

EPA’s order will mitigate some of the devastating economic consequences of the Court decision for growers, and particularly rural communities, at a time they are experiencing great stress due to the COVID-19 public health emergency.

Details of the Order

EPA’s order addresses sale, distribution, and use of existing stocks of the three affected dicamba products - XtendiMax with vapor grip technology, Engenia, and FeXapan.

- Distribution or sale by any person is generally prohibited except for ensuring proper disposal or return to the registrant.
1. <!--[if !supportLists]--><!--[endif]-->
- Growers and commercial applicators may use existing stocks that were in their possession on June 3, 2020, the effective date of the Court decision. Such use must be consistent with the product’s previously-approved label, and may not continue after July 31, 2020.
2. <!--[if !supportLists]--><!--[endif]-->

Background

On June 3, 2020, the Ninth Circuit Court of Appeals issued an order vacating EPA’s pesticide registrations containing the active ingredient dicamba: Xtendimax with Vaporgrip Technology (EPA Reg. No. 524-617); Engenia - (EPA Reg. No. 7969-345); and FeXapan - (EPA Reg. No. 352-913).

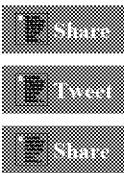
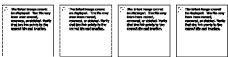
Dicamba is a valuable pest control tool that farmers nationwide planned to use during the 2020 growing season. Since the Court issued its opinion, the agency has been overwhelmed with letters and calls from farmers citing the devastation of this decision on the millions of acres of crops, millions of dollars already invested by farmers, and threat to America’s food supply.

.....

<!--[if !vml]-->

<image001.png>

<!--[endif]-->





U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

[Unsubscribe](#)

Message

From: Knorr, Michele [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5E2165E5C2224BAC8D33C2F857C33886-MKNORR]
Sent: 10/2/2020 3:21:04 PM
To: Garrison, Scott [Garrison.Scott@epa.gov]
Subject: RE: New Tank Mixes to Reduce Off-Target Damage from Dicamba - Companies already starting marketing program

Quoc in the past has not said that is enough to allow us to release the information. But, I hope it is this time.

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

-----Original Message-----

From: Garrison, Scott <Garrison.Scott@epa.gov>
Sent: Friday, October 02, 2020 11:20 AM
To: Knorr, Michele <knorr.michele@epa.gov>
Subject: RE: New Tank Mixes to Reduce Off-Target Damage from Dicamba - Companies already starting marketing program

Confidential communication for internal deliberations only. Attorney-client privilege. Do not distribute outside U.S. Government.

May not be a CBI issue:

Ex. 5 AC/DP

Ex. 5 AC/DP

Scott Garrison
Pesticides and Toxic Substances Law Office (2333A) Office of General Counsel U.S. Environmental Protection Agency
202-564-4047
garrison.scott@epa.gov

-----Original Message-----

From: Knorr, Michele <knorr.michele@epa.gov>
Sent: Friday, October 02, 2020 10:43 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Tindall, Kelly <tindall.kelly@epa.gov>; Chism, William <Chism.Bill@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Becker, Jonathan <Becker.Jonathan@epa.gov>; Berwald, Derek <Berwald.Derek@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>; Kells, Bradley <kells.bradley@epa.gov>; Kiely, Timothy <Kiely.Timothy@epa.gov>; Orłowski, John <Orłowski.John@epa.gov>; Post, Jessica <Post.Jessica@epa.gov>; Wyatt, TJ <Wyatt.Tj@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Garrison, Scott <Garrison.Scott@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>
Subject: RE: New Tank Mixes to Reduce Off-Target Damage from Dicamba - Companies already starting marketing program

Ex. 5 Attorney Client (AC)

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office Office of General Counsel
202-564-5631

-----Original Message-----

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Friday, October 02, 2020 10:12 AM
To: Tindall, Kelly <tindall.kelly@epa.gov>; Chism, William <Chism.Bill@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Becker, Jonathan <Becker.Jonathan@epa.gov>; Berwald, Derek <Berwald.Derek@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>; Kells, Bradley <kells.bradley@epa.gov>; Kiely, Timothy <Kiely.Timothy@epa.gov>; Orłowski, John <Orłowski.John@epa.gov>; Post, Jessica <Post.Jessica@epa.gov>; Wyatt, TJ <Wyatt.Tj@epa.gov>

Cc: Garrison, Scott <Garrison.Scott@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Subject: RE: New Tank Mixes to Reduce Off-Target Damage from Dicamba - Companies already starting marketing program

Hi Kelly:

RD was told about a version of this reported wheeler interview in Agri-Pulse
(<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.agri-pulse.com%2Farticles%2F14569-A%3D&reserved=0>) but HB has not internally been told anything by the IO about a changed timeframe for OPP's dicamba work. I agree that things are fast-moving and it's hard to keep up.

Ex. 4 CBI

What I do know is that I've been directed to schedule registrant meetings on Oct. 21st in addition the pair of Oct. 9th ones I've already placed holds for. I've also been told to schedule another internal briefing with Alex for next week, likely on Thursday but possibly on Wednesday. The theme of that meeting is supposed to be "mitigation plan update."

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division - Herbicide Branch hathaway.margaret@epa.gov
(703) 305-5076

ALL CONTENTS AND ATTACHMENTS TO THIS EMAIL CORRESPONDENCE ARE TO BE CONSIDERED
DRAFT/INTERNAL/DELIBERATIVE ONLY, NOT TO BE SHARED UNLESS SPECIFICALLY AND EXPLICITLY STATED

-----Original Message-----

From: Tindall, Kelly <tindall.kelly@epa.gov>
Sent: Friday, October 02, 2020 9:54 AM
To: Chism, William <Chism.Bill@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Becker, Jonathan <Becker.Jonathan@epa.gov>; Berwald, Derek <Berwald.Derek@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>; Kells, Bradley <kells.bradley@epa.gov>; Kiely, Timothy <Kiely.Timothy@epa.gov>; Orłowski, John <Orłowski.John@epa.gov>; Post, Jessica <Post.Jessica@epa.gov>; Wyatt, TJ <Wyatt.Tj@epa.gov>
Cc: Garrison, Scott <Garrison.Scott@epa.gov>
Subject: RE: New Tank Mixes to Reduce Off-Target Damage from Dicamba - Companies already starting marketing program

Did you listen to the video clip? - he said wheeler is hoping to have a decision by the "middle of the month"! Does this mean we may be asked to accelerate efforts???

Kelly Tindall, Senior Biologist
Biological Analysis Branch
Biological and Economic Analysis Division Office of Pesticide Programs US Environmental Protection Agency
703-308-8188

ALL CONTENTS AND ATTACHMENTS TO THIS EMAIL CORRESPONDENCE ARE TO BE CONSIDERED
DRAFT/INTERNAL/DELIBERATIVE ONLY, NOT TO BE SHARED UNLESS SPECIFICALLY AND EXPLICITLY STATED

-----Original Message-----

From: Chism, William <Chism.Bill@epa.gov>
Sent: Friday, October 02, 2020 9:48 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Becker, Jonathan <Becker.Jonathan@epa.gov>; Berwald, Derek <Berwald.Derek@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>; Kells, Bradley <kells.bradley@epa.gov>; Kiely, Timothy <Kiely.Timothy@epa.gov>; Orłowski, John <Orłowski.John@epa.gov>; Post, Jessica <Post.Jessica@epa.gov>; Tindall, Kelly <tindall.kelly@epa.gov>; Wyatt, TJ <Wyatt.Tj@epa.gov>
Cc: Garrison, Scott <Garrison.Scott@epa.gov>
Subject: FW: New Tank Mixes to Reduce Off-Target Damage from Dicamba - Companies already starting marketing program

From Amy Asmus

I wish the companies would wait until the discussions are over.

Bill

Bill Chism
Senior Biologist
Biological and Economic Analysis Division U.S. EPA/Office of Pesticide Programs

(571) 242-0254 cell phone while on telework chism.bill@epa.gov

-----Original Message-----

From: Amy Asmus <amy@afschem.com>

Sent: Friday, October 02, 2020 9:06 AM

To: Jill Schroeder <jischroel@gmail.com>; David Shaw <david.shaw@msstate.edu>; Mike Barrett <mbarrett@uky.edu>; Chism, William <Chism.Bill@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>

Subject: New Tank Mixes to Reduce Off-Target Damage from Dicamba | Ag Professional

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.agprofessional.com%2Farticle%2Fnew-tank-mixes-reduce-target-damage-dicamba&data=02%7C01%7Cknorr.michele%40epa.gov%7C217d963bee994eaa64a608d866e69e22%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637372487960109322∓reserved=0>

So... anyone heard anything about dicamba.... we heard this a week ago... Bayers is being referred to as simply vapor grip... Syngenta is saying it will be approved with little or no changes to application window. Last week Bayer and now BASF are talking about just the need to add a new tank mix partner.

I was on a call with Ed Messina last week and he was saying nothing on dicamba until later in October... this is all so confusing... what happened to no media/marketing until the label is final.. if everyone but the farmer and farmer advisers/retailers know this is how it is going, then why are we waiting? Frustrating for us on the front lines and seems like the Manufacturers are trying to "leak or manipulate" the not yet final decision...

And once the EPA releases their label, the states will all fight to change it for their states...

☺☺☺

I hope everyone is set up to have a great weekend... just a hint from the field... according to the calibrated monitor, our bean averages will be phenomenal for our area this year. Dicamba damage and all... we will know more once we start digging into the data.

Take care,
Amy

Amy Asmus, CCA, RMS
Asmus Farm Supply, Inc
641-590-1658

Message

From: Knorr, Michele [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5E2165E5C2224BAC8D33C2F857C33886-MKNORR]
Sent: 5/12/2020 12:56:08 PM
To: Lis-Coghlan, Kamila [lis-coghlan.kamila@epa.gov]; Joseph E. Cole (cole.josephe@epa.gov) [cole.josephe@epa.gov]; Koch, Erin [Koch.Erin@epa.gov]; Perlis, Robert [Perlis.Robert@epa.gov]
CC: Garrison, Scott [Garrison.Scott@epa.gov]
Subject: DOJ revised brief
Attachments: ENV_DEFENSE-#918333-v2-Dicamba_II_Revised_Draft_Supplemental_Brief_clean_version.DOCX

Thanks for all your comments on the earlier version. DOJ quickly turned this one around and it is with their management now. Some of our additional language did not fit within the page limit. See below for what did not make it into the brief. We addressed their other questions this morning. You don't need to review this version, but if you do, please provide any comments by 4 pm.

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Sent: Tuesday, May 12, 2020 6:35 AM
To: Knorr, Michele <knorr.michele@epa.gov>; Grosko, Brett (ENRD) <Brett.Grosko@usdoj.gov>
Cc: Garrison, Scott <Garrison.Scott@epa.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: RE: Our edits/comments on the dicamba brief

Michele —

Thank you for getting me your final comments early! The attached is the draft I sent my front office yesterday afternoon. I was not able to incorporate all of the new text due to the 10-page limit, but I think this draft

Ex. 5 Attorney Client (AC)

Let me know if you have any other questions or want to discuss anything.

Thanks,
Jessica

Jessica O'Donnell
Assistant Section Chief
Environmental Defense Section
202.305.0851

From: Knorr, Michele <knorr.michele@epa.gov>
Sent: Monday, May 11, 2020 12:31 PM
To: O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; Grosko, Brett (ENRD) <BGrosko@ENRD.USDOJ.GOV>
Cc: Garrison, Scott <Garrison.Scott@epa.gov>
Subject: Our edits/comments on the dicamba brief

We are early again with our comments – yay! This includes all OGC comments. Let us know if we should discuss any of these. Also, can you update us on whether there will be a call with Bayer counsel about what they intend to focus on in their brief? Thanks again for all the hard work on this.

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

Message

From: Knorr, Michele [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5E2165E5C2224BAC8D33C2F857C33886-MKNORR]
Sent: 4/19/2020 11:33:10 PM
To: Grosko, Brett (ENRD) [Brett.Grosko@usdoj.gov]
Subject: RE: 57 foot buffer - crystal ball and limited studies

https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/terrplant-version-122-users-guide-pesticide-exposure#calculation_eec

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Grosko, Brett (ENRD) <Brett.Grosko@usdoj.gov>
Sent: Sunday, April 19, 2020 6:31 PM
To: Knorr, Michele <knorr.michele@epa.gov>
Subject: Re: 57 foot buffer - crystal ball and limited studies

Yes

Sent from my iPhone

On Apr 19, 2020, at 5:20 PM, Knorr, Michele <knorr.michele@epa.gov> wrote:

Are you free now? I can call you.

Michele Knorr
OGC

202-564-5631

On Apr 19, 2020, at 4:40 PM, Grosko, Brett (ENRD) <Brett.Grosko@usdoj.gov> wrote:

Might be easier to explain by phone, could you please call **Ex. 6 PP – personal phone**

On Apr 19, 2020, at 4:16 PM, Knorr, Michele <knorr.michele@epa.gov> wrote:

I think we probably need Ed to weigh in here.

Ex. 5 AC/AWP/DP

Michele Knorr
OGC

202-564-5631

On Apr 19, 2020, at 3:13 PM, Grosko, Brett (ENRD) <Brett.Grosko@usdoj.gov> wrote:

Michele and Scott,

Ex. 5 AC/AWP/DP

Brett

On Apr 18, 2020, at 2:24 PM, Odenkirchen, Edward <Odenkirchen.Edward@epa.gov> wrote:

Ex. 5 AC/AWP/DP

From: Grosko, Brett (ENRD) <Brett.Grosko@usdoj.gov>

Sent: Saturday, April 18, 2020 1:59 PM

To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>

Cc: Knorr, Michele <knorr.michele@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>

Subject: Re: 57 foot buffer - crystal ball and limited studies

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Thanks that's helpful Ed.

Ex. 5 AC/AWP/DP

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Ex. 5 AC/AWP/DP

From: Grosko, Brett (ENRD) <Brett.Grosko@usdoj.gov>

Sent: Saturday, April 18, 2020 1:22 PM

To: Knorr, Michele <knorr.michele@epa.gov>

Cc: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>

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Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Grosko, Brett (ENRD) <Brett.Grosko@usdoj.gov>

Sent: Saturday, April 18, 2020 12:20 PM

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Subject: Re: 57 foot buffer - crystal ball and limited studies

Ex. 5 AC/AWP/DP

On Apr 18, 2020, at 11:03 AM, Knorr, Michele <knorr.michele@epa.gov> wrote:

Brett – here is a pdf of what crystal ball does (oracle program). <https://www.oracle.com/technetwork/middleware/crystalball/overview/crystal-ball-131398.pdf> This may help as an overview. Then maybe EFED folks can help fill in the pieces.

Ex. 5 AC/AWP/DP

EFED – please correct any of my inaccuracies in how I view what was done.

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Grosko, Brett (ENRD) <Brett.Grosko@usdoj.gov>

Sent: Saturday, April 18, 2020 10:54 AM

To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>

Cc: Garrison, Scott <Garrison.Scott@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>

Subject: Re: 57 foot buffer - crystal ball and limited studies

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Ex. 5 AC/AWP/DP

Brett

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Ex. 5 AC/AWP/DP

Walking with my wife back in 30...

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Sent: Friday, April 17, 2020 6:16 PM

To: Odenkirchen, Edward <Odenkirchen.Edward@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>

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Subject: RE: 57 foot buffer - crystal ball and limited studies

Confidential communication for internal deliberations only. Attorney-client privilege. Do not distribute outside EPA.

See Brett's question below.

Ex. 5 AC/AWP/DP

Any corrections or clarifications from EFED?

Scott Garrison

Pesticides and Toxic Substances Law Office (2333A)

Office of General Counsel

U.S. Environmental Protection Agency

202-564-4047

garrison.scott@epa.gov

From: Grosko, Brett (ENRD) <Brett.Grosko@usdoj.gov>

Sent: Friday, April 17, 2020 5:42 PM

To: Knorr, Michele <knorr.michele@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>

Cc: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>

Subject: 57 foot buffer - crystal ball and limited studies

Ex. 5 AC/AWP/DP

Message

From: Knorr, Michele [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5E2165E5C2224BAC8D33C2F857C33886-MKNORR]
Sent: 4/19/2020 11:16:38 PM
To: Grosko, Brett (ENRD) [Brett.Grosko@usdoj.gov]
Subject: Re: 57 foot buffer - crystal ball and limited studies

I'm getting some docs together. Will call you in 5-10 minutes to discuss.

Michele Knorr
OGC
202-564-5631

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Yes

Sent from my iPhone

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OGC
202-564-5631

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Michele Knorr

OGC

202-564-5631

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Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

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Ex. 5 AC/AWP/DP

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Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

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Subject: Re: 57 foot buffer - crystal ball and limited studies

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Subject: RE: 57 foot buffer - crystal ball and limited studies

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See Brett's question below.

Ex. 5 AC/AWP/DP

Any corrections or clarifications from EFED?

Scott Garrison
Pesticides and Toxic Substances Law Office (2333A)
Office of General Counsel
U.S. Environmental Protection Agency
202-564-4047
garrison.scott@epa.gov

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Cc: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>

Subject: 57 foot buffer - crystal ball and limited studies

Ex. 5 AC/AWP/DP

Message

From: Knorr, Michele [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5E2165E5C2224BAC8D33C2F857C33886-MKNORR]
Sent: 5/1/2020 4:06:37 PM
To: O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]
Subject: Re: List of products and dates

I just need to make sure I use Jessica O in my email. :)

Michele Knorr
OGC
202-564-5631

On May 1, 2020, at 11:21 AM, O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov> wrote:

No, which is weird because when I compare the incoming messages (both the ones I got and the ones I didn't get), they all reflect my email address as the same.

Jessica O'Donnell
Assistant Section Chief
Environmental Defense Section
202.305.0851

From: Knorr, Michele <knorr.michele@epa.gov>
Sent: Friday, May 1, 2020 11:14 AM
To: O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>
Subject: FW: List of products and dates

Did you get this one? I think I can only use a certain address for my outgoing messages to you. Ugh!

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Knorr, Michele
Sent: Friday, May 01, 2020 9:32 AM
To: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; Grosko, Brett (ENRD) <BGrosko@ENRD.USDOJ.GOV>; Garrison, Scott <Garrison.Scott@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>
Subject: List of products and dates

Bayer Xtendimax with vaporgrip technology (EPA Reg. No. 524-617) – Contains the active ingredient diglycolamine salt of dicamba. EPA first registered the OTT uses (new uses on an already registered product) on November 9, 2016 https://www3.epa.gov/pesticides/chem_search/ppls/000524-00617-20161109.pdf. EPA amended (increased labeling restrictions) on October 12, 2017 https://www3.epa.gov/pesticides/chem_search/ppls/000524-00617-20171012.pdf. EPA Reg. No. 524-617 was reissued on November 1, 2018 https://www3.epa.gov/pesticides/chem_search/ppls/000524-00617-20181101.pdf. There is a docket for Xtendimax new uses <https://www.regulations.gov/docket?D=EPA-HQ-OPP-2016-0187>

BASF Engenia – (EPA Reg. No. 7969-345) Contains the active ingredient BAPMA salt of dicamba. EPA first registered on December 20, 2016 https://www3.epa.gov/pesticides/chem_search/ppls/007969-00345-20161220.pdf. EPA amended the registration (increased labeling restrictions) on October 12, 2017 https://www3.epa.gov/pesticides/chem_search/ppls/007969-00345-20171012.pdf. EPA Reg. No. 7969-345 was reissued on November 2, 2018 https://www3.epa.gov/pesticides/chem_search/ppls/007969-00345-20181102.pdf

Corteva FeXapan – (EPA Reg. No. 352-913) Original registration (2015). Contains diglycolamine salt of dicamba (vaporgrip technology). EPA first registered the OTT uses on February 7, 2017 https://www3.epa.gov/pesticides/chem_search/ppls/000352-00913-20170207.pdf. This is the same as another registered product for this use. For CBI purposes not stating which one. EPA Reg. No. 352-913 was reissued on November 5, 2020 https://www3.epa.gov/pesticides/chem_search/ppls/000352-00913-20181105.pdf

Syngenta Tavium – (EPA Reg. No. 100-1623) This product is a combination of metolachlor (another herbicide) and diglycolamine salt of dicamba (vaporgrip technology). EPA first registered on April 5, 2019 and contains the vaporgrip technology for the OTT uses. https://www3.epa.gov/pesticides/chem_search/ppls/000100-01623-20190405.pdf

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

-----Original Appointment-----

From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>

Sent: Thursday, April 30, 2020 10:33 AM

To: Buckley, Sarah (ENRD); O'Donnell, Jessica (ENRD); Grosko, Brett (ENRD); Knorr, Michele; Garrison, Scott; Perlis, Robert; Koch, Erin

Subject: Dicamba supplemental filing discussion

When: Friday, May 01, 2020 9:00 AM-9:30 AM (UTC-05:00) Eastern Time (US & Canada).

Where: 866-410-9426, 1711883#

Message

From: Lis-Coghlan, Kamila [lis-coghlan.kamila@epa.gov]
Sent: 6/5/2020 8:16:47 PM
To: Koch, Erin [Koch.Erin@epa.gov]
Subject: FW: REVISED: DRAFT STATEMENT

can you pass these along in the thread? thanks

From: Garrison, Scott <Garrison.Scott@epa.gov>
Sent: Friday, June 5, 2020 4:11 PM
To: Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>
Subject: RE: REVISED: DRAFT STATEMENT

Confidential communication for internal deliberations only. Attorney-client privilege. Do not distribute outside U.S. Government.

First paragraph needs a second close parentheses ")" after the last registration number.
In the second paragraph, no apostrophe in "its".

Scott Garrison
Pesticides and Toxic Substances Law Office (2333A)
Office of General Counsel
U.S. Environmental Protection Agency
202-564-4047
garrison.scott@epa.gov

From: Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>
Sent: Friday, June 05, 2020 3:50 PM
To: Cole, Joseph E. <cole.josephe@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>
Subject: FW: REVISED: DRAFT STATEMENT
Importance: High

Please review ASAP

From: Dunn, Alexandra <dunn.alexandra@epa.gov>
Sent: Friday, June 5, 2020 3:40 PM
To: Block, Molly <block.molly@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Molina, Michael <molina.michael@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>
Subject: RE: REVISED: DRAFT STATEMENT

THIS IS DRAFT FOR US TO AGREE ON AND THEN SEND TO THE ADMINISTRATOR!

I LEAVE TO YOU ON FORM.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention

US Environmental Protection Agency
Washington, DC

From: Block, Molly <block.molly@epa.gov>

Sent: Friday, June 5, 2020 3:39 PM

To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Molina, Michael <molina.michael@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>

Subject: RE: REVISED: DRAFT STATEMENT

Thanks for the update. What's the sense on timing? Are we sending this as a stand alone press release or updated statement for press?

I have a list of all press who inquired on this yesterday and today.

Has this been run by Wheeler?

From: Dunn, Alexandra <dunn.alexandra@epa.gov>

Sent: Friday, June 5, 2020 3:39 PM

To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Block, Molly <block.molly@epa.gov>; Molina, Michael <molina.michael@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>

Subject: RE: REVISED: DRAFT STATEMENT

+ Carrie

From: Dunn, Alexandra

Sent: Thursday, June 4, 2020 3:39 PM

To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Block, Molly <block.molly@epa.gov>; Molina, Michael <molina.michael@epa.gov>

Subject: DRAFT STATEMENT

DRAFT DRAFT DRAFT

EPA Responds to Ninth Circuit Vacatur of Dicamba Registrations

WASHINGTON—On June 3, the U.S. Ninth Circuit Court of Appeals issued an order vacating three of U.S. Environmental Protection Agency's (EPA) registrations containing the active ingredient dicamba (Xtendimax with Vaporgrip Technology (EPA Reg. No. 524-617), Engenia – (EPA Reg. No. 7969-345), FeXapan – (EPA Reg. No. 352-913), which is a valuable pest control tool for America's farmers. EPA Administrator Wheeler released the following statement today in response:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Cole, Joseph E. [cole.josephe@epa.gov]
Sent: 6/4/2020 5:54:39 PM
To: Knorr, Michele [knorr.michele@epa.gov]
CC: Koch, Erin [Koch.Erin@epa.gov]
Subject: RE: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

Don't wait for me if you get Kamila's coord on the statement; I may be on other issues.

Joe

From: Knorr, Michele <knorr.michele@epa.gov>
Sent: Thursday, June 4, 2020 1:51 PM
To: Garrison, Scott <Garrison.Scott@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>
Subject: RE: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

Alex provided us with some guidance. I'm going to consolidate the edits and provide a new version in the next few minutes. Alex agrees that the statement should be high-level at this point.

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Garrison, Scott <Garrison.Scott@epa.gov>
Sent: Thursday, June 04, 2020 1:47 PM
To: Koch, Erin <Koch.Erin@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>
Subject: RE: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

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Ok. "dicamba-tolerant soybeans and cotton"? Already pretty wordy, though.

Scott Garrison
Pesticides and Toxic Substances Law Office (2333A)
Office of General Counsel
U.S. Environmental Protection Agency
202-564-4047
garrison.scott@epa.gov

From: Koch, Erin <Koch.Erin@epa.gov>
Sent: Thursday, June 04, 2020 1:45 PM

To: Garrison, Scott <Garrison.Scott@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>
Subject: RE: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

Ex. 5 Attorney Client (AC)

From: Garrison, Scott <Garrison.Scott@epa.gov>
Sent: Thursday, June 04, 2020 1:42 PM
To: Koch, Erin <Koch.Erin@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>
Subject: RE: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

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Yes, or be even more specific: "registration of pre-emergent ("over the top") uses of dicamba..."?

Scott Garrison
Pesticides and Toxic Substances Law Office (2333A)
Office of General Counsel
U.S. Environmental Protection Agency
202-564-4047
garrison.scott@epa.gov

From: Koch, Erin <Koch.Erin@epa.gov>
Sent: Thursday, June 04, 2020 1:37 PM
To: Garrison, Scott <Garrison.Scott@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>
Subject: RE: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

Scott – should the first sentence say "certain dicamba products"? I wouldn't want that sentence taken out of context and news to be that all dicamba is vacated.

From: Garrison, Scott <Garrison.Scott@epa.gov>
Sent: Thursday, June 04, 2020 1:32 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>
Subject: RE: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

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See my edits below. I'll look up the registration numbers and get them to you shortly.

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Scott Garrison
Pesticides and Toxic Substances Law Office (2333A)
Office of General Counsel
U.S. Environmental Protection Agency
202-564-4047
garrison.scott@epa.gov

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Thursday, June 04, 2020 12:58 PM
To: Cole, Joseph E. <cole.josephe@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>
Subject: FW: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

In trying to make this as efficient as possible, can the PTSLO team edit the statement below to add the registrations and any additional edits necessary, and send that to David and Kamila, ideally in the next 30 minutes?

Is there agreement this should be reviewed by DOJ? If so, I can send it to career OPA staff or David can send it to his counterparts. Please let me know.

Ariadne Goerke
Acting Associate Deputy General Counsel
U.S. Environmental Protection Agency
202-564-5471 (office)
202-505-0535 (cell)

From: Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>
Sent: Thursday, June 4, 2020 12:44 PM
To: Dennis, Allison <Dennis.Allison@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>
Cc: Bolen, Derrick <bolen.derrick@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

+ David & Michele

From: Dennis, Allison <Dennis.Allison@epa.gov>
Sent: Thursday, June 4, 2020 12:41 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>
Cc: Bolen, Derrick <bolen.derrick@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: For OGC/Rick/Carrie Urgent Review: Dicamba statement; DDL: 1:30 PM

All- looking for your edits NLT 1:30 pm today. The Administrator will need to review. Will DOJ need to review as well? -Allison

EPA Administrator Wheeler Responds to Ninth Circuit Vacatur of Dicamba Registrations

WASHINGTON—Yesterday, the U.S. Ninth Circuit Court of Appeals issued an order vacating the U.S. Environmental Protection Agency's (EPA) registration of dicamba, which is a valuable pest control tool for America's farmers. EPA Administrator Andrew Wheeler issued the following statement in response:

We are disappointed with the Court's decision and agree with the Court that this order will place a great

Ex. 5 AC/DP

Allison Dennis
Communications Director
Office of Chemical Safety and Pollution Prevention
Desk: (202) 564-1985; Cell: (202) 257-5629
Follow OCSPP on Twitter: @EPACChemSafety

Message

From: Dennis, Allison [Dennis.Allison@epa.gov]
Sent: 6/4/2020 12:41:37 PM
To: Hubbard, Joseph [Hubbard.Joseph@epa.gov]
CC: Goerke, Ariadne [Goerke.Ariadne@epa.gov]; Cole, Joseph E. [cole.josephe@epa.gov]; Koch, Erin [Koch.Erin@epa.gov]; Lis-Coghlan, Kamila [lis-coghlan.kamila@epa.gov]; Lieberman, Paige [Lieberman.Paige@epa.gov]
Subject: Re: Media Inquiry: Farm Journal, statement/Interview EPA Dicamba, DL: ASAP

I doubt we will be able to answer these questions today and defer to OGC for an ETA on when we could .

Sent from my iPhone

On Jun 4, 2020, at 8:29 AM, Hubbard, Joseph <Hubbard.Joseph@epa.gov> wrote:

All, here's the most recent request for interview and questions. I have already send her the current statement. I know we are working up an update, here are her questions:

- What does the court's decision mean for the legality of planting Xtend products—is there any effect?
- Is Tavium at all effected by this decision? (as it was not specifically listed)
- What does this mean for future registration of dicamba products for over-the-top use?
- For farmers or retailers with XtendiMax, Engenia or FeXapan in their inventory what are their options? What would ramifications of application when the registration is vacated be?
- Will this be appealed?

Best,

Joe Hubbard
U.S. Environmental Protection Agency
OFFICE: 202-564-8837
Hubbard.joseph@epa.gov

Begin forwarded message:

From: "Hubbard, Joseph" <Hubbard.Joseph@epa.gov>
Date: June 4, 2020 at 08:20:00 EDT
To: Sonja Begemann <sbegemann@Farmjournal.com>
Cc: Press <Press@epa.gov>
Subject: Re: Statement/Interview EPA Dicamba

Sonja,

Can you share your questions?

Best,

Joe Hubbard

U.S. Environmental Protection Agency
OFFICE: 202-564-8837
Hubbard.joseph@epa.gov

On Jun 4, 2020, at 08:19, Sonja Begemann
<sbegemann@farmjournal.com> wrote:

Thank you for the update!

I'll await a statement I can publish and a time for a quick (10 minute)
interview.

Sonja Begemann
Seeds and Production Editor

<image001.png>
m: 573.975.0091
sbegemann@farmjournal.com
8725 Rosehill Road, Suite 200, Lenexa KS, 66215
www.farmjournal.com
Follow me on [Twitter](#)

From: "Hubbard, Joseph" <Hubbard.Joseph@epa.gov>
Date: Thursday, June 4, 2020 at 7:17 AM
To: Sonja Begemann <sbegemann@Farmjournal.com>
Cc: Press <Press@epa.gov>, Robert Daguillard
<Daguillard.Robert@epa.gov>
Subject: Re: Statement/Interview EPA Dicamba

Hi Sonja,

EPA is currently reviewing the court decision and will move
promptly to address the Court's directive.
—EPA Spokesperson

Best,

Joe Hubbard
U.S. Environmental Protection Agency
OFFICE: 202-564-8837
Hubbard.joseph@epa.gov

On Jun 4, 2020, at 08:13, Daguillard, Robert
<Daguillard.Robert@epa.gov> wrote:

Good morning Sonja,

It's always good to hear from you – and I'm sorry for not letting you know a couple of months ago that I was transitioning from EPA's media relations office to another part of the agency's substantial public affairs operation.

Going forward, thanks for sending your inquiries to the press box – cc'ed here. Someone should be getting back to you very shortly.

Keep safe, R.

Robert Daguillard
Public Affairs Officer
U.S. Environmental Protection
Agency
Washington, DC
+1 (202) 564-6618 (O)
+1 (202) 360-0476 (M)

From: Sonja Begemann
<sbegemann@Farmjournal.com>
Sent: Thursday, June 04, 2020 8:10 AM
To: Daguillard, Robert <Daguillard.Robert@epa.gov>
Subject: Statement/Interview EPA Dicamba
Importance: High

Hi Robert,

I know it's a busy day. As soon as you all have a statement regarding the court's decision to vacate three dicamba registrations can I get that? In addition, I'd like an interview (it'll take 10 minutes) ASAP from EPA to talk about what this means for growers this year and long term for the products.

Thanks,

Sonja Begemann
Seeds and Production Editor

<[image001.png](#)>
m: 573.975.0091
sbegemann@farmjournal.com
8725 Rosehill Road, Suite 200, Lenexa KS, 66215
www.farmjournal.com
Follow me on [Twitter](#)

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Message

From: Knorr, Michele [knorr.michele@epa.gov]
Sent: 6/10/2020 12:09:18 PM
To: Koch, Erin [Koch.Erin@epa.gov]
Subject: FW: ND 24(c) Dicamba

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Wednesday, June 10, 2020 7:52 AM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>
Subject: ND 24(c) Dicamba

FYI – checking to see if we received these yet.

North Dakota Permits Dicamba Use on Soybeans

North Dakota's Agriculture Commissioner has issued a state registration allowing growers to apply three dicamba formulations to dicamba-tolerant soybeans, despite the decision by a US appeals court to reject the EPA's registration permit for the herbicide (see [AgBioNews Jun 4, 2020](#)) which has effectively banned the sale of dicamba-based products. The three products permitted for use in North Dakota are Bayer's XtendiMax, BASF's Engenia, and Corteva's FeXapan.

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Dunn, Alexandra <dunn.alexandra@epa.gov>
Sent: Wednesday, June 10, 2020 7:36 AM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>
Subject: Pic of Retailer Storage



Sent from my iPhone

Message

From: Koch, Erin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D5E11973F9C0476EA9784F4B0A932373-EKOCH]
Sent: 6/8/2020 11:36:34 PM
To: Goerke, Ariadne [Goerke.Ariadne@epa.gov]
CC: Cole, Joseph E. [cole.josephe@epa.gov]; Knorr, Michele [Knorr.Michele@epa.gov]
Subject: FW: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

FYI

From: Dunn, Alexandra <dunn.alexandra@epa.gov>
Sent: Monday, June 08, 2020 7:28 PM
To: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Fischer, David <Fischer.David@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Grable, Melissa <Grable.Melissa@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Subject: Fwd: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, DC

Sent from my iPhone

Begin forwarded message:

From: EPA Press Office <press@epa.gov>
Date: June 8, 2020 at 7:26:49 PM EDT
To: "Dunn, Alexandra" <dunn.alexandra@epa.gov>
Subject: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations
Reply-To: press@epa.gov

EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

WASHINGTON (June 8, 2020) — Today, the U.S. Environmental Protection Agency (EPA) issued a key order providing farmers with needed clarity following the Ninth Circuit Court of Appeals' June 3, 2020 vacatur of three dicamba registrations. Today's [cancellation order](#) outlines limited and specific circumstances under which existing stocks of the three affected dicamba products can be used for a limited period of time. EPA's order will advance protection of public health and the environment by ensuring use of existing stocks follows important application procedures.

"At the height of the growing season, the Court's decision has threatened the livelihood of our nation's farmers and the global food supply," said **EPA Administrator Andrew Wheeler**. "Today's cancellation and existing stocks order is consistent with EPA's

standard practice following registration invalidation, and is designed to advance compliance, ensure regulatory certainty, and to prevent the misuse of existing stocks.”

EPA’s order will mitigate some of the devastating economic consequences of the Court’s decision for growers, and particularly rural communities, at a time they are experiencing great stress due to the COVID-19 public health emergency.

Details of the Order

EPA’s order addresses sale, distribution, and use of existing stocks of the three affected dicamba products - XtendiMax with vapor grip technology, Engenia, and FeXapan.

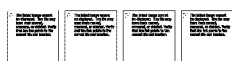
1. Distribution or sale by any person is generally prohibited except for ensuring proper disposal or return to the registrant.
2. Growers and commercial applicators may use existing stocks that were in their possession on June 3, 2020, the effective date of the Court decision. Such use must be consistent with the product’s previously-approved label, and may not continue after July 31, 2020.

Background

On June 3, 2020, the Ninth Circuit Court of Appeals issued an order vacating EPA’s pesticide registrations containing the active ingredient dicamba: Xtendimax with Vaporgrip Technology (EPA Reg. No. 524-617); Engenia - (EPA Reg. No. 7969-345); and FeXapan - (EPA Reg. No. 352-913).

Dicamba is a valuable pest control tool that farmers nationwide planned to use during the 2020 growing season. Since the Court issued its opinion, the agency has been overwhelmed with letters and calls from farmers citing the devastation of this decision on the millions of acres of crops, millions of dollars already invested by farmers, and threat to America’s food supply.

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U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



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Message

From: Koch, Erin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D5E11973F9C0476EA9784F4B0A932373-EKOCH]
Sent: 4/29/2020 6:48:29 PM
To: Knorr, Michele [Knorr.Michele@epa.gov]
Subject: RE: 19-70115 National Family Farm Coalition, et al v. USEPA, et al "Order Filed (From Chambers)"

FYI, I added this back under litigation updates for the OCSPP weekly. So you can flow from other dicamba issues to this one.

From: Knorr, Michele <knorr.michele@epa.gov>
Sent: Wednesday, April 29, 2020 2:18 PM
To: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Meghan Greenfield <Meghan.Greenfield@usdoj.gov>
Cc: Grosko, Brett (ENRD) <Brett.Grosko@usdoj.gov>
Subject: RE: 19-70115 National Family Farm Coalition, et al v. USEPA, et al "Order Filed (From Chambers)"

Should we get a call on the books? We can pull together our thoughts relatively quickly for a discussion. Let us know how you would like to proceed.

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Sent: Wednesday, April 29, 2020 2:13 PM
To: Knorr, Michele <knorr.michele@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Meghan Greenfield <Meghan.Greenfield@usdoj.gov>
Cc: Grosko, Brett (ENRD) <Brett.Grosko@usdoj.gov>
Subject: FW: 19-70115 National Family Farm Coalition, et al v. USEPA, et al "Order Filed (From Chambers)"

Well, the Court identified the problem about what actions are under review. We have 14 days to respond with a brief addressing the scope of Petitioners' challenge.

Sarah

From: ca9_ecfnoticing@ca9.uscourts.gov <ca9_ecfnoticing@ca9.uscourts.gov>
Sent: Wednesday, April 29, 2020 2:08 PM
To: Buckley, Sarah (ENRD) <SBuckley@ENRD.USDOJ.GOV>
Subject: 19-70115 National Family Farm Coalition, et al v. USEPA, et al "Order Filed (From Chambers)"

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filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.

United States Court of Appeals for the Ninth Circuit

Notice of Docket Activity

The following transaction was entered on 04/29/2020 at 11:06:35 AM PDT and filed on 04/29/2020

Case Name: National Family Farm Coalition, et al v. USEPA, et al
Case Number: 19-70115
Document(s): Document(s)

Docket Text:

Filed order (MICHAEL DALY HAWKINS, M. MARGARET MCKEOWN and WILLIAM A. FLETCHER): On October 31, 2018, EPA signed a decision announcing that it “will be granting requests by Bayer CropScience (formerly Monsanto Company), Corteva (formerly DuPont), and BASF to amend their existing conditional registrations that contain expiration dates of November 9, 2018, and December 20, 2018, respectively.” ER 3. Pursuant to this decision, EPA issued three conditional registrations. On November 1, 2018, EPA issued a conditional registration to Bayer CropScience for its “M1768 Herbicide” [“XtendiMax With VaporGrip Technology”]. ER 65, 81. On November 2, 2018, EPA issued a conditional registration to BASF for its “Engenia Herbicide.” ER 167. On November 5, 2018, EPA issued a conditional registration to Corteva for its “DuPont FeXapan Herbicide.” ER 121. In a petition to our Court, National Family Farm Coalition et al. challenged the decision of EPA. Petitioners’ brief begins: “This petition seeks review of the October 31, 2018, decision by the United States Environmental Protection Agency (EPA) to continue the new uses registrations of the pesticide dicamba on dicambaresistant cotton and soybean. . . . Petitioners timely filed this petition for review.” Blue Brief at 1. Petitioners write further: “This case concerns a pesticide Intervenor Monsanto developed, ‘XtendiMax with VaporGrip Technology’ (XtendiMax), containing the weed-killing active ingredient dicamba. ER0003–4.” Id. at 2. They append a footnote to this sentence: “The registration also covers the competitor dicamba varieties approved by EPA for the same uses. ER0004–5, tbl.2; ER121–ER 0210. We use XtendiMax for simplicity.” Id. at 2, n.4. EPA writes in its brief: “Although not at issue here, EPA has issued registrations for two other dicamba products for the same uses, Engenia and FeXapan. EPA Reg. Nos. 7969-345 and 352-913. EPA’s 2018 registration action also amended the Engenia and FeXapan registrations.” Red Brief at 12–13, n.3. The parties thus appear to disagree as to the scope of the challenge before us. As we read the petitioners’ brief, they seek to challenge the entirety of the registration decision promulgated by the EPA on October 31, 2018, approving conditional registrations for post-emergent application of dicamba herbicides manufactured by Bayer CropScience, Corteva, and BASF. As we read EPA’s brief, it contends that petitioners’ challenge extends only to the conditional registration for post-emergent application of the dicamba herbicide manufactured by Bayer CropScience. The briefing now before this Court does little more than to indicate disagreement between the parties. The Court would be assisted by more sustained briefing on the scope of petitioners’ challenge. Within fourteen days of the issuance of this order, the parties, including Intervenor Bayer CropScience, are directed to provide simultaneous letter briefs addressing the scope of petitioners’ challenge. The briefs are to be no longer than ten pages of text, double-spaced, in size 14 font. [11675470] (AF)

Notice will be electronically mailed to:

Richard P. Bress, Attorney

Sarah A. Buckley, Trial Attorney
Jesse A. Buss
Mr. John Brett Grosko, Trial Attorney
Mr. George Andreas Kimbrell, Attorney
Jon Michael Lipshultz
Ms. Stephanie M. Parent, Attorney
Philip J. Perry, Attorney
Mr. Andrew Prins
Claire Tonry
Ms. Amy Luisa Van Saun, Staff Attorney
Stacey L. VanBelleghem
Ms. Sylvia Shih-Yau Wu, Attorney

Case participants listed below will not receive this electronic notice:

USEPA - Agency Representative
USEPA - U.S. ENVIRONMENTAL PROTECTION AGENCY
1101A
1200 Pennsylvania Ave., NW
Washington, DC 20460

The following document(s) are associated with this transaction:

Document Description: Main Document

Original Filename: 19-70115 NFF order supp briefing FILE.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1106763461 [Date=04/29/2020] [FileNumber=11675470-0]
[1e64957da47a386301b116927feb82229f135e7267b0edfc7b8c4dd444c2732ed06d6a96daafb0b00b2b647b9876
deeba55340eb8b8e198297f3f506e16428bb]]

Message

From: Koch, Erin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D5E11973F9C0476EA9784F4B0A932373-EKOCH]
Sent: 7/29/2020 1:30:31 PM
To: Knorr, Michele [Knorr.Michele@epa.gov]
Subject: RE: R170 vs R320

Ex. 5 Attorney Client (AC)

From: Knorr, Michele <knorr.michele@epa.gov>
Sent: Wednesday, July 29, 2020 9:26 AM
To: Koch, Erin <Koch.Erin@epa.gov>
Subject: RE: R170 vs R320

Ex. 5 Attorney Client (AC)

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Koch, Erin <Koch.Erin@epa.gov>
Sent: Wednesday, July 29, 2020 9:18 AM
To: Knorr, Michele <knorr.michele@epa.gov>
Subject: R170 vs R320

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Erin S. Koch
Pesticides and Toxic Substances Law Office
Office of General Counsel
US EPA
202-564-1718

Message

From: Koch, Erin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D5E11973F9C0476EA9784F4B0A932373-EKOCH]
Sent: 4/29/2020 6:31:40 PM
To: Knorr, Michele [Knorr.Michele@epa.gov]
Subject: RE: 19-70115 National Family Farm Coalition, et al v. USEPA, et al "Order Filed (From Chambers)"

FYI, I'm checking with Joe on whether he thinks this is something that needs to be made known to the FO through the IO procedures.

From: Knorr, Michele <knorr.michele@epa.gov>
Sent: Wednesday, April 29, 2020 2:18 PM
To: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Meghan Greenfield <Meghan.Greenfield@usdoj.gov>
Cc: Grosko, Brett (ENRD) <Brett.Grosko@usdoj.gov>
Subject: RE: 19-70115 National Family Farm Coalition, et al v. USEPA, et al "Order Filed (From Chambers)"

Should we get a call on the books? We can pull together our thoughts relatively quickly for a discussion. Let us know how you would like to proceed.

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Sent: Wednesday, April 29, 2020 2:13 PM
To: Knorr, Michele <knorr.michele@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Meghan Greenfield <Meghan.Greenfield@usdoj.gov>
Cc: Grosko, Brett (ENRD) <Brett.Grosko@usdoj.gov>
Subject: FW: 19-70115 National Family Farm Coalition, et al v. USEPA, et al "Order Filed (From Chambers)"

Well, the Court identified the problem about what actions are under review. We have 14 days to respond with a brief addressing the scope of Petitioners' challenge.

Sarah

From: ca9_ecfnoticing@ca9.uscourts.gov <ca9_ecfnoticing@ca9.uscourts.gov>
Sent: Wednesday, April 29, 2020 2:08 PM
To: Buckley, Sarah (ENRD) <SBuckley@ENRD.USDOJ.GOV>
Subject: 19-70115 National Family Farm Coalition, et al v. USEPA, et al "Order Filed (From Chambers)"

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filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.

United States Court of Appeals for the Ninth Circuit

Notice of Docket Activity

The following transaction was entered on 04/29/2020 at 11:06:35 AM PDT and filed on 04/29/2020

Case Name: National Family Farm Coalition, et al v. USEPA, et al
Case Number: 19-70115
Document(s): Document(s)

Docket Text:

Filed order (MICHAEL DALY HAWKINS, M. MARGARET MCKEOWN and WILLIAM A. FLETCHER): On October 31, 2018, EPA signed a decision announcing that it “will be granting requests by Bayer CropScience (formerly Monsanto Company), Corteva (formerly DuPont), and BASF to amend their existing conditional registrations that contain expiration dates of November 9, 2018, and December 20, 2018, respectively.” ER 3. Pursuant to this decision, EPA issued three conditional registrations. On November 1, 2018, EPA issued a conditional registration to Bayer CropScience for its “M1768 Herbicide” [“XtendiMax With VaporGrip Technology”]. ER 65, 81. On November 2, 2018, EPA issued a conditional registration to BASF for its “Engenia Herbicide.” ER 167. On November 5, 2018, EPA issued a conditional registration to Corteva for its “DuPont FeXapan Herbicide.” ER 121. In a petition to our Court, National Family Farm Coalition et al. challenged the decision of EPA. Petitioners’ brief begins: “This petition seeks review of the October 31, 2018, decision by the United States Environmental Protection Agency (EPA) to continue the new uses registrations of the pesticide dicamba on dicambaresistant cotton and soybean. . . . Petitioners timely filed this petition for review.” Blue Brief at 1. Petitioners write further: “This case concerns a pesticide Intervenor Monsanto developed, ‘XtendiMax with VaporGrip Technology’ (XtendiMax), containing the weed-killing active ingredient dicamba. ER0003–4.” Id. at 2. They append a footnote to this sentence: “The registration also covers the competitor dicamba varieties approved by EPA for the same uses. ER0004–5, tbl.2; ER121–ER 0210. We use XtendiMax for simplicity.” Id. at 2, n.4. EPA writes in its brief: “Although not at issue here, EPA has issued registrations for two other dicamba products for the same uses, Engenia and FeXapan. EPA Reg. Nos. 7969-345 and 352-913. EPA’s 2018 registration action also amended the Engenia and FeXapan registrations.” Red Brief at 12–13, n.3. The parties thus appear to disagree as to the scope of the challenge before us. As we read the petitioners’ brief, they seek to challenge the entirety of the registration decision promulgated by the EPA on October 31, 2018, approving conditional registrations for post-emergent application of dicamba herbicides manufactured by Bayer CropScience, Corteva, and BASF. As we read EPA’s brief, it contends that petitioners’ challenge extends only to the conditional registration for post-emergent application of the dicamba herbicide manufactured by Bayer CropScience. The briefing now before this Court does little more than to indicate disagreement between the parties. The Court would be assisted by more sustained briefing on the scope of petitioners’ challenge. Within fourteen days of the issuance of this order, the parties, including Intervenor Bayer CropScience, are directed to provide simultaneous letter briefs addressing the scope of petitioners’ challenge. The briefs are to be no longer than ten pages of text, double-spaced, in size 14 font. [11675470] (AF)

Notice will be electronically mailed to:

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Jesse A. Buss
Mr. John Brett Grosko, Trial Attorney
Mr. George Andreas Kimbrell, Attorney
Jon Michael Lipshultz
Ms. Stephanie M. Parent, Attorney
Philip J. Perry, Attorney
Mr. Andrew Prins
Claire Tonry
Ms. Amy Luisa Van Saun, Staff Attorney
Stacey L. VanBelleghem
Ms. Sylvia Shih-Yau Wu, Attorney

Case participants listed below will not receive this electronic notice:

USEPA - Agency Representative
USEPA - U.S. ENVIRONMENTAL PROTECTION AGENCY
1101A
1200 Pennsylvania Ave., NW
Washington, DC 20460

The following document(s) are associated with this transaction:

Document Description: Main Document

Original Filename: 19-70115 NFF order supp briefing FILE.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1106763461 [Date=04/29/2020] [FileNumber=11675470-0]
[1e64957da47a386301b116927feb82229f135e7267b0edfc7b8c4dd444c2732ed06d6a96daafb0b00b2b647b9876
deeba55340eb8b8e198297f3f506e16428bb]]

Message

From: Schmid, Emily [Schmid.Emily@epa.gov]
Sent: 10/27/2020 5:55:14 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
CC: Meadows, Sarah [Meadows.Sarah@epa.gov]
Subject: FW: Xtendimax
Attachments: Xtendimax Reg Notice - For Signature.docx

Hi Dan,

This one is okay to be signed. Sarah did the comparison. If you can sign it you don't need to worry about the line. I think I can take it out now.

Thanks,
Emily

From: Schmid, Emily
Sent: Tuesday, October 27, 2020 1:43 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Meadows, Sarah <Meadows.Sarah@epa.gov>
Subject: Xtendimax

Hi Dan,

Here is the one for Xtendimax if it turns out they didn't make any changes (Sarah is checking that because I got an error). I think the pagination is a little weird again but didn't want to mess with it since it would change when you sign it anyway. Also, I think the line is back so we might need Sarah to magically delete it again. What would we do without her?

Thanks,
Emily

Emily Schmid
Product Manager 25
Herbicide Branch
Registration Division, Office of Pesticide Programs
U.S. Environmental Protection Agency

Message

From: Schmid, Emily [Schmid.Emily@epa.gov]
Sent: 9/14/2020 6:22:18 PM
To: Meadows, Sarah [Meadows.Sarah@epa.gov]
Subject: FW: New Proposed XtendiMax With VaporGrip Technology Master Label
Attachments: Cover letter_264-RERN_XtendiMax-ML_20200902.pdf; MASTER LABEL_XtendiMax_264-RERN.DOCX; MASTER LABEL_XtendiMax_264-RERN.PDF

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, September 14, 2020 2:19 PM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: FW: New Proposed XtendiMax With VaporGrip Technology Master Label

FYI

From: Steven Callen <steven.callen@bayer.com>
Sent: Wednesday, September 02, 2020 3:47 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: George Sabbagh <george.sabbagh@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: New Proposed XtendiMax With VaporGrip Technology Master Label

Good afternoon, Emily and Meg,

In support of the 2020 registration decision for XtendiMax, Bayer just submitted our new proposed label to EPA through the portal. I have attached it here (both PDF and Word versions), along with the cover letter, for your convenience. Please note that, as indicated in the cover letter, there are a couple places where it is felt further discussion is warranted – these are marked by comments within the label.

Thanks very much!

Sincerely,
Steven

Steven T. Callen, Ph.D.
Crop Protection Regulatory Manager
Broad Acre and Trait Uses

//////////

Bayer U.S. – Crop Science
North America Crop Protection Regulatory Affairs
700 Chesterfield Parkway West
Mail Zone: FF4B
Chesterfield, MO 63017, USA
Tel: +1 (636) 737-1133
Cell: +1 (314) 302-9391
E-mail: steven.callen@bayer.com
Web: <http://www.bayer.com>

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/// Follow me on:

/// [Twitter](#) /// [LinkedIn](#)

Message

From: Schmid, Emily [Schmid.Emily@epa.gov]
Sent: 10/27/2020 5:42:41 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
CC: Meadows, Sarah [Meadows.Sarah@epa.gov]
Subject: Xtendimax
Attachments: Xtendimax Reg Notice - For Signature.docx

Hi Dan,

Here is the one for Xtendimax if it turns out they didn't make any changes (Sarah is checking that because I got an error). I think the pagination is a little weird again but didn't want to mess with it since it would change when you sign it anyway. Also, I think the line is back so we might need Sarah to magically delete it again. What would we do without her?

Thanks,
Emily

Emily Schmid
Product Manager 25
Herbicide Branch
Registration Division, Office of Pesticide Programs
U.S. Environmental Protection Agency

Message

From: Schmid, Emily [Schmid.Emily@epa.gov]
Sent: 10/28/2020 6:59:53 PM
To: Meadows, Sarah [Meadows.Sarah@epa.gov]
Subject: FW: XtendiMax (264-1210) Terms & Conditions Typo

I knew I liked him!

From: Garrison, Scott <Garrison.Scott@epa.gov>
Sent: Wednesday, October 28, 2020 2:59 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: XtendiMax (264-1210) Terms & Conditions Typo

Confidential communication for internal deliberations only. Attorney-client privilege. Do not distribute outside U.S. Government.

That works. But one thing: Given the rush, there probably are other errors. Do you want to give them a few days to look at it closely and then send one correction notice, rather than possibly sending a series?

Scott Garrison
Pesticides and Toxic Substances Law Office (2333A)
Office of General Counsel
U.S. Environmental Protection Agency
202-564-4047
garrison.scott@epa.gov

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Wednesday, October 28, 2020 2:39 PM
To: Garrison, Scott <Garrison.Scott@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: XtendiMax (264-1210) Terms & Conditions Typo

Thank you, Scott and Michele. I'm sorry for the error!

I put a quick letter together to see if this is what you were thinking.

From: Garrison, Scott <Garrison.Scott@epa.gov>
Sent: Wednesday, October 28, 2020 2:25 PM
To: Knorr, Michele <knorr.michele@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: XtendiMax (264-1210) Terms & Conditions Typo

Confidential communication for internal deliberations only. Attorney-client privilege. Do not distribute outside U.S. Government.

Still the same problem and solution: Need a cover sheet identifying the change and a new registration notice, with copies to the registrant and in the docket.

Scott Garrison
Pesticides and Toxic Substances Law Office (2333A)
Office of General Counsel
U.S. Environmental Protection Agency
202-564-4047
garrison.scott@epa.gov

From: Knorr, Michele <knorr.michele@epa.gov>
Sent: Wednesday, October 28, 2020 2:23 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: XtendiMax (264-1210) Terms & Conditions Typo

But, the notice was signed yesterday and the new notice or letter will have today's date on it. So, let's figure out whether you need just a letter noting the mistake with today's date and yesterday's registration notice.

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Wednesday, October 28, 2020 2:21 PM
To: Knorr, Michele <knorr.michele@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: XtendiMax (264-1210) Terms & Conditions Typo

The label isn't up on PPLS yet so the problem is the copy in the docket.

From: Knorr, Michele <knorr.michele@epa.gov>
Sent: Wednesday, October 28, 2020 2:19 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: XtendiMax (264-1210) Terms & Conditions Typo

I believe we had an issue last time with something similar. I think Ruben created a cover sheet to the correct revised notice and acknowledged the typo and that was put in PPLS and the docket.

Scott – you good with this?

Michele L. Knorr, Attorney

Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Wednesday, October 28, 2020 2:11 PM
To: Knorr, Michele <knorr.michele@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: FW: XtendiMax (264-1210) Terms & Conditions Typo

Well, this is unfortunate. Despite our best efforts to beat the clock and get everything perfect at the same time, we've got a typo in the expiration date for Bayer's registration notice. It probably happened when multiple copies were being passed around at the very end. Do you all have any advice as to the best way to correct it? A replacement Notice that acknowledges that it supersedes the previous due to a typo? A letter? Any suggestions would be welcome.

Thanks,
Dan

From: Steven Callen <steven.callen@bayer.com>
Sent: Wednesday, October 28, 2020 1:03 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: George Sabbagh <george.sabbagh@bayer.com>; Kenny, Daniel <Kenny.Dan@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: XtendiMax (264-1210) Terms & Conditions Typo

Hi Emily,

Thanks to you and all the EPA team for your work on these dicamba registrations.

We noticed that on page 2 of the new Terms and Conditions for XtendiMax (264-1210) that there is a typo regarding the registration expiration. It indicates the expiration is December 20, 2020 rather than in 2025. Is it possible for this to be corrected? I highlighted the text in the attached file.

Thanks!

Sincerely,
Steven

Steven T. Callen, Ph.D.
Crop Protection Regulatory Manager
Broad Acre and Trait Uses

//////////

Bayer U.S. – Crop Science
North America Crop Protection Regulatory Affairs
700 Chesterfield Parkway West
Mail Zone: FF4B
Chesterfield, MO 63017, USA
Tel: +1 (636) 737-1133
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E-mail: steven.callen@bayer.com
Web: <http://www.bayer.com>

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Message

From: Schmid, Emily [Schmid.Emily@epa.gov]
Sent: 10/15/2020 4:05:24 PM
To: Meadows, Sarah [Meadows.Sarah@epa.gov]
Subject: FW: Xtendimax Proposed Labeling
Attachments: MASTER LABEL_XtendiMax_264-RERN_20201014.pdf

Um no, it's because you followed up with them!

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, October 14, 2020 4:06 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: FW: Xtendimax Proposed Labeling

Hi Dan and Marietta:

Bayer's ears must have been burning during our afternoon meetings. Here is the latest Xtendimax label, hot off the presses. HB will start taking a look at this new version.

- Meg

From: Steven Callen <steven.callen@bayer.com>
Sent: Wednesday, October 14, 2020 3:59 PM
To: Meadows, Sarah <Meadows.Sarah@epa.gov>; Thomas Orr <thomas.orr@bayer.com>; Thomas Marvin <thomas.marvin@bayer.com>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Xtendimax Proposed Labeling

Hi Sarah,

Apologies for a bit of a delay, but we were making some final edits. While certain additional, minor refinements may be necessary before finalization, attached is Bayer's most up-to-date proposed XtendiMax label.

Thanks,
Steven

From: Meadows, Sarah <Meadows.Sarah@epa.gov>
Sent: Wednesday, October 14, 2020 2:19 PM
To: Thomas Orr <thomas.orr@bayer.com>; Steven Callen <steven.callen@bayer.com>; Thomas Marvin <thomas.marvin@bayer.com>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Xtendimax Proposed Labeling

Hi, all. I'm reaching out again for a copy of the new proposed Xtendimax label. Please send us an updated copy ASAP.

Thanks,

Sarah

From: Meadows, Sarah

Sent: Tuesday, October 13, 2020 9:29 AM

To: ORR, THOMAS B [AG/1005] <thomas.b.orr@monsanto.com>; Steven Callen <steven.callen@bayer.com>; MARVIN, THOMAS [AG/1920] <thomas.marvin@bayer.com>

Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>

Subject: Xtendimax Proposed Labeling

Hi, all. Please send us a clean copy of your most up-to-date proposed Xtendimax label. I know there may be some things to still discuss and finalize, but we'd like to have a fresh copy to review ASAP.

Thanks,

Sarah

Sarah True Meadows, PhD
US Environmental Protection Agency
Office of Pesticide Programs
Registration Division – Herbicide Branch
(703) 347-0505
meadows.sarah@epa.gov

Message

From: Steven Callen (STCALL) via Bayer MyTransfer Pgh Notification Service [mytransfer-pgh_no_reply@bayer.com]
Sent: 5/1/2020 8:13:04 PM
To: Meadows, Sarah [Meadows.Sarah@epa.gov]
Subject: Welcome to Bayer MyTransfer Pgh!



Welcome to Bayer MyTransfer Pgh!

A new user account and file package has been created for you from **Steven Callen (STCALL)**

Subject: Bayer Crop Science - MON 51817 Data in Support of the 2020 XtendiMax Re-registration

Your account information is as follows:

Username: meadows.sarah@epa.gov
Password: *has been sent separately*

Please use the following URL and your username/password to login and view this package. You will also be given the opportunity to send a secure reply to this package.

<https://mytransfer-pgh.bayer.biz/human.aspx?OrgID=5913&Arg12=message&Arg06=668287119&Arg08=2eiotde3ozjtri57&username=meadows.sarah%40epa.gov>

If you need assistance, please contact the Bayer employee who sent you the file package.

Regards,
Bayer MyTransfer Pgh Notification Service

This service is for business purpose only! Unauthorized access and the upload of unlawful content is strictly prohibited. Misuse of this service will lead to account disabling.

Message

From: Schmid, Emily [Schmid.Emily@epa.gov]
Sent: 6/8/2020 5:20:46 PM
To: Meadows, Sarah [Meadows.Sarah@epa.gov]
Subject: RE: XtendiMax (524-617)

Thank you for taking care of this, Sarah!

From: Meadows, Sarah <Meadows.Sarah@epa.gov>
Sent: Monday, June 08, 2020 1:08 PM
To: Thomas Orr <thomas.orr@bayer.com>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Steven Callen <steven.callen@bayer.com>
Subject: RE: XtendiMax (524-617)

Thanks for the update, Tom. I shared this with the EFED team. They're in agreement with the plan to begin a new study as outlined in your email below. The team would like to see the data from the first run, and request that a brief report be submitted along with the repeat study. Please also include your/Bayer's thoughts on what caused the contamination.

Thanks,

Sarah

From: Thomas Orr <thomas.orr@bayer.com>
Sent: Thursday, June 04, 2020 1:46 PM
To: Meadows, Sarah <Meadows.Sarah@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Steven Callen <steven.callen@bayer.com>
Subject: XtendiMax (524-617)

Hi Sarah. I hope you are doing well. Please see below for an update on the ongoing oak tree study that is being conducted as part of the Conditions of Registration of the XtendiMax (524-617) registration. We are happy to discuss these results further with EPA if desired.

As part of the 2018 XtendiMax conditions of registration, EPA requested additional studies to evaluate ecological effects of dicamba exposure to non-target plants, related to survival and growth of select sensitive tree/shrub/woody perennial species. The initial tier 1 screening study was conducted on five tree species—sycamore (Platanus acerifolia), apple (Malus domestica), cherry (Prunus avium), swamp cypress (Taxodium distichum) and red oak (Quercus rubra)—to evaluate the effect dicamba exposure on growth, plant development and morphology.

The results of the tier 1 tree study confirmed that four tree species—sycamore, apple, cherry and swamp cypress—are less sensitive to dicamba than soybean (effects <25%) after exposure to dicamba at a rate of 0.000513 lb a.e./A under greenhouse conditions. For red oak, effects in the screening tier 1 study exceeded the 25% effect triggering a tier 2 study.

The dose-response tier 2 study was initiated April 2020. At the 14-d evaluation period, the control plants exhibited no phytotoxic symptoms; however, at the 28-d assessment some phytotoxicity was noted in the control trees (11 out of 20 replicates) with the observed symptomology including abnormal leaf development, chlorosis and necrosis. At the 45-d assessment, symptomology in the affected trees from the control group at 28 DAT increased slightly but no additional trees displayed symptomology. Due to the prevalence of the phytotoxicity in the water control group, the study is not considered valid and will require a repeat. Bayer has already begun acclimating new seedlings to greenhouse and the repeat study is expected to start in June.

Best regards,

Tom Orr

**Broad Acre & Trait Use Lead
Crop Protection Regulatory Affairs**

////////////////

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Regulatory Science
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Web: <http://www.bayer.com>

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Message

From: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Sent: 10/2/2020 1:57:39 PM
To: Meadows, Sarah [Meadows.Sarah@epa.gov]; Crawford, Lydia [Crawford.Lydia@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: Rep. Guest and 30+ members Dicamba Registration Letter

Yes, thanks Lydia!

Dan, we did see a recent dip in letters submitted, but they do continue to come in. I'd also predict that since Wheeler publicly announced this week that EPA is targeting an October decision, there may be an uptick again in submissions.

- Meg

From: Meadows, Sarah <Meadows.Sarah@epa.gov>
Sent: Friday, October 02, 2020 9:47 AM
To: Crawford, Lydia <Crawford.Lydia@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Rep. Guest and 30+ members Dicamba Registration Letter

Thanks, Lydia! I was just opening teams to check to see if anyone added it yet.

From: Crawford, Lydia <Crawford.Lydia@epa.gov>
Sent: Friday, October 02, 2020 9:46 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Rep. Guest and 30+ members Dicamba Registration Letter

Added to the list

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Thursday, October 1, 2020 1:29 PM
To: Crawford, Lydia <Crawford.Lydia@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: FW: Rep. Guest and 30+ members Dicamba Registration Letter

FYI – I was wondering if there correspondences were starting to dry up, but I guess not quite yet.

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Thursday, October 01, 2020 1:25 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>
Subject: FW: Rep. Guest and 30+ members Dicamba Registration Letter

FYI

Michael L. Goodis, P.E.
Acting Deputy Director for Programs
Office of Pesticide Programs

Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
703-308-8157

From: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>

Sent: Thursday, October 01, 2020 11:37 AM

To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Grable, Melissa <Grable.Melissa@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>

Subject: Rep. Guest and 30+ members Dicamba Registration Letter

Heads up on a new Dicamba letter. We'll enter it into CMS and control to OCSPP. Similar to the 9/17 House Ag letter. Thanks,
Sven

Sven-Erik Kaiser
Office of Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
202-566-2753
kaiser.sven-erik@epa.gov

From: White, Bubba <Joseph.WhiteIII@mail.house.gov>

Sent: Wednesday, September 30, 2020 3:49 PM

To: Washam, Todd <Washam.Todd@epa.gov>

Cc: Kolb, John (JohnMark) <kolb.john@epa.gov>; Solomon, Maya <Maya.Solomon@mail.house.gov>

Subject: Dicamba Registration Letter

Todd,

Please see the attached bipartisan letter to Administrator Wheeler from 32 members of Congress encouraging the issuance of new registrations for four dicamba products: Engenia®, Xtendimax®, FeXapan®, and Tavium®. We also support issuance of these registrations quickly and in simple, clear, and understandable language so that producers can make herbicide and seed purchasing decisions ahead of the 2021 crop year.

Please let us know if you have any questions. A hard copy has been put in the mail.

Best,
Bubba



Bubba White

Legislative Assistant

Rep. Michael Guest (MS-03)

202.226.8289 – Office

202.981-3106 – Cell

230 Cannon HOB
Washington, DC 20515



Message

From: Schmid, Emily [Schmid.Emily@epa.gov]
Sent: 10/26/2020 10:45:02 PM
To: Meadows, Sarah [Meadows.Sarah@epa.gov]
Subject: FW: Label Edits
Attachments: Engenia.docx; Engenia Label.pdf; Tavium.docx; Tavium Label.pdf; XtendiMax.docx; Xtendimax Label.pdf

I think the one on here is the last bayer label I have

From: Schmid, Emily
Sent: Monday, October 26, 2020 11:07 AM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Knorr, Michele <Knorr.Michele@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: Label Edits

Hi Marietta and Dan,

A few notes:

- I was wrong about the PHI for Engenia. They did include it for soybean but not cotton so I added that to the list in the word doc.
- Tavium needs to add page numbers or it won't pass QAQC.

Let me know if you want me to make any changes or what I can help with next.

Thanks!
Emily

Emily Schmid
Product Manager 25
Herbicide Branch
Registration Division, Office of Pesticide Programs
U.S. Environmental Protection Agency

Message

From: Schmid, Emily [Schmid.Emily@epa.gov]
Sent: 10/26/2020 11:10:42 PM
To: Meadows, Sarah [Meadows.Sarah@epa.gov]
Subject: FW: Draft Existing Stock Terms
Attachments: v2 A21472 (Tavium) Draft Terms Existing Products.docx

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Monday, October 26, 2020 5:16 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: FW: Draft Existing Stock Terms

From: Garrison, Scott <Garrison.Scott@epa.gov>
Sent: Monday, October 26, 2020 3:15 PM
To: Knorr, Michele <knorr.michele@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Draft Existing Stock Terms

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My comments are attached. Looks good, very similar to Bayer 2018.

Scott Garrison
Pesticides and Toxic Substances Law Office (2333A)
Office of General Counsel
U.S. Environmental Protection Agency
202-564-4047
garrison.scott@epa.gov

From: Knorr, Michele <knorr.michele@epa.gov>
Sent: Monday, October 26, 2020 3:10 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Garrison, Scott <Garrison.Scott@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Re: Draft Existing Stock Terms

The existing stocks stuff needs to be cleared with Royan. It looks basically like the xtendimax one from years ago, but they need to weigh in on relabeling.

Michele Knorr
OGC
202-564-5631

On Oct 26, 2020, at 3:00 PM, Echeverria, Marietta <Echeverria.Marietta@epa.gov> wrote:

Michele/Scott – When we spoke to Syngenta this morning they raised an existing stocks issue since there product was not vacated. They are proposing the attached to be added specifically to their terms. Could one of you please advise on any concerns? Thank you.

Michele – Jan has some comments on the DM in ESA. Are you available for a quick call to go through that?

Other updates:

- We're talking to Bayer with Kimberly at 3:30 regarding the HRM
- We proposed back to bayer "...areas of bare ground from recent plowing or grading that is contiguous with the treated field."
- I think all other label issues are resolved. Of course we want Emily and the team to confirm.

From: Dixon Monty USGR <monty.dixon@syngenta.com>
Sent: Monday, October 26, 2020 2:37 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: Draft Existing Stock Terms

Hi Dan and Marietta,

Please replace earlier version with this version. The only changes in this (V2) version from the one sent at 1:17 are changing December 20 to December 21 in three spots to ensure continuity of dates. These were highlighted in green font.

Thanks
Monty

From: Dixon Monty USGR
Sent: Monday, October 26, 2020 1:17 PM
To: kenny.dan@epa.gov <kenny.dan@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: Draft Existing Stock Terms

Hi Dan and Marietta,

Thanks for the call this morning. As discussed, please find attached proposed terms to ensure clarity related to existing stocks. These were based upon the existing stocks provisions in the 2018 registration actions for Xtendimax and Engenia. The only changes with have made are company and product identity as well as updating dates to reflect the current 12/20/2020 expiration date on current products and the 12/20/2025. I have also indicated the registration date of 10/27/2020 under the expectation that is correct.

I have also prepared our label team for the final edits and will make those quickly once we see language Emily is working on. We have discussed the language around managed areas and rights of way and agree to adopt the language the we discussed this morning.

Thanks
Monty

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<v2 A21472 (Tavium) Draft Terms Existing Products.docx>